

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

**Meeting of the Allegheny County Board of Health
November 3, 2021**

THIS MEETING WILL BE VIRTUAL

<https://www.alleghenycounty.us/Health-Department/Resources/About/Board-of-Health/Public-Meeting-Schedule.aspx>

Agenda

1. Call to Order
2. Approval of Minutes for the September 1, 2021 Meeting
3. Public Comments on Agenda items
4. Director's Report
5. New Business – Action Items
 - A. Approval for Public Comment
 - a. Food Safety Revisions
 - b. Article I Revisions
 - B. Final Approval
 - a. Resolution to Appoint Hearing Officer
 - b. Environmental Health Fund Request \$30,000
 - c. Request to spend 5% of Clean Air Fund on Air Program Operational Projects
 - d. Gasoline and Gasoline Station Regulations; Stage I & II and RVP
6. Old Business
7. Public Comments on Non-Agenda items
8. Adjournment

**Next Meeting of the Board of Health:
Wednesday, January 5, 2022**



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Allegheny County Board of Health
September 1, 2021
Minutes

Present: Lee Harrison, M.D., Chair
Debra Bogen, M.D, Secretary
Donald Burke, M.D.
Anthony Ferraro
Kotayya Kondaveeti, M.D.
Caroline Mitchell
Joylette Portlock
Edith Shapira, M.D.
Ellen Stewart, M.D.

Absent: William Youngblood

1. Call to Order

Board Chair Dr. Harrison welcomed everyone to the virtual meeting of the Allegheny County Board of Health

Dr. Harrison announced that the Board of Health held an executive session to discuss matters of personnel and litigation.

2. Approval of the Minutes from the July 14, 2021 Meeting

Dr. Harrison asked members if they had any comments regarding the minutes. There were none.

Action: Dr. Shapira moved and Dr. Stewart seconded a motion to approve the minutes as presented. The motion passed unanimously.

3. Public Comments on Agenda Items

Dr. Harrison invited those who registered to provide public comment. The following individuals registered and provided public comment on agenda items. All the individuals spoke regarding the proposed revisions to the amendments to Article XV: Plumbing and Building Drainage. Nica Ross, Luca Salerno and Jessie Catenacci spoke in favor of the proposed revisions for single user toilet facilities. Edward Bigley, John Inks and Ron Rieber opposed the proposed revisions to the site work section.

Mr. Dowd summarized for the public the written comments provided directly to the members of the Board of Health. The Board of Health received two written comments supporting revisions to the amendments related to single user bathroom facilities and 111 written comments in opposition to the proposed revisions related to site work.

4. Director's Report

Dr. Bogen began her report with an update on COVID-19. She presented data showing the trends for the world, across the United States, across the Commonwealth of Pennsylvania and here in Allegheny County. All the dashboards are available on the ACHD website.

She reviewed the data from the last three months in Allegheny County looking specifically at cases, individuals tested, hospitalizations and deaths. She looked specifically at the race and ethnicity data pointing out the differences, which is something the Director and team are monitoring closely to target ACHD's outreach efforts.

Dr. Bogen shared data from the Children's Hospital Association and the American Academy of Pediatrics showing by week the number of COVID-19 cases among children. She explained that with the start of school and discussions related to mask mandates, this and related data are important and that she pays close attention to the data every week. As the graph shows, pediatric cases across the U.S are rising significantly.

Looking more specifically at cases in Allegheny County, the Director reported that the percentage of overall cases among children is 11% compared with 14% nationally. In the most recent week, the percentage of weekly cases among children in Allegheny County was 15% whereas nationally it was 22%. While that is encouraging, the percentage increase in the cumulative number of child cases has increased in Allegheny County by 16% where as nationally it has increased only 9%. When comparing hospitalizations, Allegheny County is in the middle range of national rates.

The Director outlined and expressed support for the Commonwealth's recently-announced mask mandate for education settings.

Dr. Bogen shared information on vaccines. Across Allegheny County, 70% of the population is vaccinated, with 63% fully and 6% partially vaccinated.

ACHD recently published its first county specific vaccine report showing vaccination rates by zip codes. The Director had advocated that the state share these data to make this report possible. ACHD continues to work with organizations and community partners to share messaging and to target efforts to improve vaccination rates in communities where the need is greatest.

Dr. Bogen turned to the non-COVID-19 related work of the Allegheny County Health Department.

She announced that Pennsylvania's WIC program withdrew its Request for Application process. As a result, ACHD, which has been the county's WIC provider since 1974, will continue to serve in this capacity for the foreseeable future. The Director emphasized that this development presents the department with the opportunity to enhance the WIC program so that it is the best in the Commonwealth. Enhancements include working in close partnership with healthcare organizations, providing mobile services, reassessing locations and ensuring the continuation of tele-visits.

The Director reminded everyone that ACHD is an accredited Public Health Department and that the department is in the process of seeking reaccreditation. The Director will continue to provide the Board of Health and public updates as that process unfolds.

Board members thanked the Director for her presentation and asked follow-up questions. They asked about ACHD's ability to track COVID-19 variants, to which the Director responded that the Allegheny County Public Health Laboratory currently does not do that. ACHD relies on the state Bureau of Laboratories, private labs and the CDC for this process. Members of the Board said they support having the capability to do genetic sequencing and the Director agreed that this is something we would like our public health lab to perform.

They asked the Director if ACHD had quantitative data on COVID-19 and the Delta variant and its impact on hospitalization and death rates in Allegheny County. The Director explained that ACHD does not have that data but that hospitals presume that current cases here are almost exclusively driven by the Delta variant.

Board members asked about the cause of racial variations in vaccination rates and what the Health Department plans to do to address such variations. Board members also asked about additional targeted messaging. The Director talked about ACHD's messaging efforts and the way messaging has been shared. She explained how ACHD has developed a variety of partnerships and participated in larger outreach efforts. She reiterated that she is eager to hear any suggestions or ideas that people might have about how to improve vaccination rates.

Board members asked about the intersection of COVID, the vaccines and the flu. The Director agreed that this would be an important issue this fall.

The Director introduced Dr. LuAnn Brink, Deputy Director for the Bureau of Data, Reporting and Disease Control, who shared information

on the full-length reports that she and her team produce and the websites and dashboards that they manage.

She shared information from ACHD's mortality report. She noted that data has lagged because of the pandemic and that the most recent data is from 2018. Diseases of the heart and cancer are the leading cause of death in Allegheny County. She reviewed infant mortality rates and highlighted disparities by race and gender.

She discussed the annual Animal Bites Report and the School Immunizations report. Finally, she shared information on the Survey of Adherence to Antibiotic Prophylaxis and Opioid Prescribing Guidelines among Dentists Practicing in Allegheny County. The survey looked at the adherence of dental practices to the American Dental Association and American Heart Association prescribing guidelines.

Dr. Brink introduced Valarie Stallworth, MPH, who is the HIV/STD Program Manager for ACHD. M. Stallworth thanked the Board for the opportunity to present and highlighted the upward trends of STDs and the impact on individuals, their communities and the economy. For gonorrhea and syphilis, the number of cases in Pennsylvania are the highest in 30 years and are on the rise in Allegheny County. She pointed out that they disproportionately impact Black people.

M. Stallworth turned to HIV/AIDS and shared data showing a general reduction of new cases for HIV in Allegheny County but urged caution as there was a slight increase from 2019-2020. She also highlighted cases by race and age and stressed the importance of prevention. Lastly, M. Stallworth talked about ACHD's outreach, partnerships and services.

Board members thanked the team for their presentations and asked about prevention practices. ACHD does not currently prescribe pre-exposure prophylaxis in our clinics but this is possible in the future. There are, however, many providers in the region. They also asked about pediatric immunizations and the explanation for the decrease. Drs. Brink and Bogen responded that this is something ACHD is monitoring and that local pediatric groups and national associations are discussing.

Board members were also interested in and discussed with M. Stallworth messaging efforts related to STD's.

5. New Business

A. Revisions to amendments to Article XV: Plumbing & Building Drainage

Kim Joyce, Deputy Director for the Bureau of Administration, who is currently administratively overseeing the Plumbing and the Wastewater and Solid Waste Management Programs, presented the proposed revisions to the amendments to Article XV: Plumbing and Building Drainage. She highlighted the three proposed revisions which were exactly the same as presented to the Board of Health on May 5, 2021 and which received public comment. The public comment period opened on May 20 and lasted until June 23 with an in person public hearing on June 22. ACHD received 385 comments and prepared a report responding to the comments, which it shared with the Board of Health and the public. ACHD recommended incorporation of the proposed revisions with the amendments to Article XV.

Board members wanted to confirm that with the proposed revisions to the site work section of Article XV the status quo would be maintained. This was confirmed and that policy has been in place since at least 2004.

Board members also asked about the status of the 2018 Plumbing Code. Currently, the Commonwealth is in the process of reviewing and approving the 2018 Plumbing Code.

Action: Dr. Shapira moved to give final approval to the proposed revisions to the amendments to Article XV. Dr. Steward seconded the motion. **The motion passed 7-1, with Mr. Ferraro voting No.**

B. Appointment of Edward Bigley to the Allegheny County Plumbing Advisory Board

Ivo Miller, the Plumbing Program Manager, presented the nomination of Edward Bigley to serve as a member of the Allegheny County Plumbing Advisory Board. Mr. Miller enthusiastically endorsed the nomination and asked the Board of Health to approve the nomination.

Action: Dr. Steward moved to approve the nomination of Mr. Bigley. Dr. Shapira seconded the motion. **The motion passed unanimously.**

C. Revisions to Article XXI: Air Pollution Control

Jayme Graham, Air Quality Program Manager, presented proposed changes to Article XXI related to advertising Air Quality permits. These changes, which the board considered at the beginning of the pandemic, would establish the Air Quality Program's Permitting website as the primary and consistent location for notices of public hearings and public comment periods for draft air quality permits. M.

Graham requested that the Board of Health approve sending these proposed revisions to the public for comment.

Action: Dr. Portlock moved to approve the proposed revisions for public comment. Dr. Stewart seconded the motion. **The motion passed unanimously.**

6. Public Comment on Non-Agenda Items

Mr. Dowd summarized written comments to the Board of Health regarding non-agenda items. Board members received 72 written comments in support of mask mandates for educational settings, one written comment in opposition to mandates for vaccines and one regarding issues with the minutes of the Board of Health.

Dr. Harrison invited those who registered to provide public comment on non-agenda items. The following individuals registered and provided public comment on non-agenda items.

Louis Oliverio spoke on contact tracing requirements, Ken Zapinski on Allegheny County Air Quality, Rachel Fillippini on hydrogen sulfide, Angelo Taranto on Metalico, Jay Ting Walker on issues with the Board of Health meeting minutes, Barbara Lee Pace on environmental justice and Daniel Cooper on contact tracing and quarantine requirements.

7. Adjournment

Dr. Harrison entertained a motion to adjourn which members provided. He adjourned the meeting at approximately 2:40PM.

Overview of Proposed Revisions to Article III (Food Safety)

Overview:

Article III establishes the Allegheny County Health Department's authority to permit and inspect food facilities within Allegheny County and establishes food safety standards for local food operators. This proposed update to Article III is the first comprehensive revision of the regulation since its enactment on Jan. 1, 2000. This Article III draft proposes revisions that align the Article with PA statutory requirement updates from the past twenty years and also aligns with internal programmatic changes within the ACHD Food Safety Program. Namely, the Commonwealth of Pennsylvania laws that ACHD must adhere to are the following: 3 PA Code Chapter 57, Food Protection Act (which includes the Retail Food Safety Act & the Food Safety Act); 7 PA Code Chapter 46, PA Food Code & Food Employee Certification; and 7 PA Code Chapter 59a, Milk Sanitation.

ACHD also proposes regulation changes that address a number of emerging issues in the food safety field and that provide clarity in areas of the current Article that are a common source of confusion for food operators. For many of these revisions, including improved guidance for food operators with sick food workers, ACHD has drawn heavily from the U.S. Food and Drug Administration (FDA) Model Food Code, which is published to assist food safety agencies by providing them with a sound technical basis for regulation of the retail and food service sector. In addition to regulatory content changes and incorporating food safety rules from the FDA Model Food Code, ACHD proposes to revise the general structure of Article III to improve readability and in response to feedback from the regulated community. The proposed revised structure roughly proceeds chronologically, from the basic requirements for opening a new food facility, to the inspection process for operating facilities and areas that are generally verified during inspections, to administrative proceedings for facilities found in violation of the Article. Related sections would be grouped under subchapter headings to assist readers in understanding the connections between each section and to ease the use of the Article in locating answers to reader questions. A glossary of abbreviations found throughout the Article is also a proposed addition.

The following section-by-section summary provides a general overview and explanation of the more significant proposed revisions within Article III:

300. Purpose and Scope: The PA Food Code, and other food safety related laws in the Commonwealth of Pennsylvania, were incorporated into the Article to ensure compliance with Pennsylvania's Food Protection Act.

Plan Review, Permitting and Placarding (sections 302 – 306)

302. Food Permits:

- 302.1 General- Contains revisions with clarifying language that specifies that permits are non-transferable, that both for-profit and non-profit/civic organizations are subject to

permitting, and that the issuing and retention of a permit requires compliance with local, State, and Federal law and consent to inspection by the Department.

- 302.2 Classification (**new subsection**)- Currently, the Program has over 40 different category codes for food facilities based on the business description provided by the new food operator. These category codes are the basis for plan review fees, annual fees, and inspection frequency. The Department proposes to combine the category codes into four classifications based upon the complexity of food preparation and handling, rather than the size or business model of the facility. This method is currently used for mobile food facilities with permits issued by ACHD and the PA Dept. of Agriculture. It has also been adopted by other local health departments to better reflect a food facility's public health safety risk and, in turn, the resources needed to monitor operations. Food facilities would be classified Class I through Class IV, with Class I facilities having the least risk and Class IV facilities having the most significant amount of risk based on the complexity of food handling.
 - Class I is the only classification that is an entirely new concept for ACHD. Class I facilities would be food facilities that only handle packaged food that does not require refrigeration for safety. These facilities are currently exempt from permitting requirements but are subject to inspections as specified in the PA Food Protection Act. Instead of permitting, Class I facilities would be required to register with the Department and be subject to minimal inspections, mainly conducted to investigate for pests, to identify changes in food handling, and in response to complaints received from consumers.
 - Class II, Class III, and Class IV facilities would be subject to permitting and classified after an evaluation by ACHD of the complexity of food handling operations.
- 302.3 Fees- Clarifying language added to address food operator questions and to specify that no refunds are issued due to termination of a business.

303. Placarding of Food Facilities: Clarifying language added, including rationale for the posting of "Closed" placards.

- 303.3 "Consumer Alert" Placard- Clarifies for operators that placards must remain in place for at least 24 hours, if the posting was not the result of an emergency. This addition would place a Department policy into the regulation.

304. Food Facility Plans and Applications: The proposed revisions to this section seek to address common questions from business owners and to clarify minimum requirements for plan submission without restricting possible future administrative changes.

- The proposed revisions also clarify circumstances that necessitate submitting plans, adding remodeling, change of ownership and/or commissary, and change of classification. Change in ownership is a common source of confusion for business

owners. Other jurisdictions across the Commonwealth already require an application and associated fee for changes in legal ownership.

305. Inspections: Food facilities that operate on an irregular basis would be required to provide an operation schedule to ACHD. Revisions also emphasize that operators must provide access to records and all areas of the premises during inspections.

306. Temporary and Seasonal Event Registration (new section): The event organizer registration is a new concept that would provide ACHD with basic but important information before a public event, featuring food vendors, starts. Currently, the ACHD Food Safety Program actively searches for events and tracks down individual vendors to obtain event information, collect food safety permit applications, and issue permits. The proposed language in this Article III draft establishes a new responsibility for event organizers, which will ensure that the minimum requirements for public health, such as toilet facilities and access to water, are met and such information is communicated to ACHD in a timely manner. By requiring event organizers to register, the ACHD will be able to collect critical information used to ensure the event adheres to safe food practices and would be able to adequately prepare and coordinate inspectors to conduct inspections of the event vendors. Proposed revisions were drafted after a review of jurisdictions with similar requirements, including the Erie County Health Department's Coordinator's Application.

Equipment, Utensils, and Linens (sections 307 – 311)

Most proposed revisions in this subchapter are drafted to better align Article III with the FDA Model Food Code and the PA Food Code. One of the most impactful revisions would be in relation to food facility equipment. The current Article III states that food facilities can only use equipment certified by the National Sanitation Foundation (NSF) or an equivalent standard. To align with the PA Food Code, ACHD proposes changing this requirement to read "Equipment that is certified or classified for sanitation by...NSF is *deemed to comply*" with the required minimum equipment standards (emphasis added). With this change, NSF certified equipment would no longer be required, except in some specific applications, but would still be acceptable.

Physical Site (sections 312 – 318)

312. Floors, Walls, and Ceilings: The proposed revisions combine what was previously three sections into one section to reduce unnecessary repetition. ACHD also proposes minor changes for surfaces that are subject to moisture, including that these surfaces must be finished and non-absorbent and that carpeting is not permitted in these areas or in storage rooms.

313. Ventilation:

- 313.2 Specific Ventilation Requirements- ACHD proposes adding maintenance of the ventilation system requirements, consistent with State adopted codes, and ventilation design requirements that prevent contamination of food or food preparation surfaces, with

cleaning of filters where required. This change would address a gap in oversight between municipalities and the ACHD Food Safety Program. Local municipalities have the jurisdiction to approve ventilation system overall designs. Most municipalities, however, do not inspect food facility ventilation systems on a routine basis. These proposed requirements would allow ACHD to approve and inspect the food safety features of ventilation equipment.

- 313.2 (E) would address carbon monoxide hazards by incorporating Article XII “Carbon Monoxide.”

314. Lighting: Proposed revisions correct lighting strength requirements to be consistent with the FDA Model Food Code.

315. General Premises: The current Article III has specific general premises requirements spread throughout the Article. The proposed revision combines and condenses requirements under one section to reduce repetition.

316. Animals in Food Facilities (new section): The requirements of this section currently appear in an abbreviated form as a subsection of “General Premises.” The Allegheny County Food Safety Advisory Committee expressed interest in detailed requirements for safe pet-friendly dining options as this option has increased in importance as a marketing strategy. Considering input from across the country and balancing the risk, ACHD proposes specific standards for pet-friendly areas in retail food facilities that minimize the public's risk while meeting industry demand. By placing the requirements in the regulation, ACHD would also remove the need for variances for pet-friendly areas, thereby increasing capacity to address other planning and permitting needs.

317. Insect, Rodent, and Pest Prevention and Management: For pest control reasons, current regulations require food facilities to maintain all doors and windows closed or protected with screens or other means. However, the PA Food Code states openings can be allowed if no pests are present. This language effectively allows open-air dining features unless problems are found in the facility. ACHD proposes updating Article III to reflect the flexibility in the PA Food Code, while also adding a requirement to maintain records of a pest control operator’s services if evidence of a pest infestation is found.

318. Poisonous and Toxic Materials: Proposed revisions provide clarifying language and align the Article with the Model Food Code.

Water, Plumbing, and Waste (sections 319 – 324)

Proposed changes to these sections would reduce redundancy and make current language more efficient. ACHD also proposes to adopt Article XIV “Sewage Management” and Article XV “Plumbing and Building Drainage” for all requirements that are not specific to food facilities. This revision would allow the Food Safety Program to stay in alignment with the

Plumbing Program and to adapt any future revisions of Article XIV and Article XV without having to revisit Article III.

Management and Personnel (sections 325 – 328)

Sections 325 to 327: ACHD proposes to group the responsibilities of the Person in Charge into one section as opposed to the current format of being dispersed throughout Article III. In this update, ACHD also would require that the Person in Charge at a food facility also be a Certified Food Safety Manager (CFSM). The CFSM is the person that is responsible for training and overseeing food safety practices in the facility. Requiring the Person in Charge to also be a CFSM would remove a disparity between a management title and a level of food safety supervision responsibility.

Proposed updates to CFSM requirements would remove requirements relating to the Department's own certification program, including training and an exam, which was discontinued after 2004. The Food Safety Program now administers a nationally recognized ANSI-accredited certification training and exam. The current certification program and the proposed regulation update would also be consistent with the PA Food Certification Act. Proposed changes to "Personal Cleanliness and Food Worker Practices" would align Article III with the Model Food Code.

328. Infected Food Worker (new section): The overarching goal of the section is to provide food operators with easily understandable guidelines of what to do when they suspect or know they have an infected food worker. In consultation with the ACHD Epidemiology Program, ACHD Food Safety Program drafted revised language drawn from the FDA Model Food Code. Proposed revisions to this section reflect up-to-date foodborne illnesses of concern and current general practice for communicable disease control.

Food Sources and Food Condition (sections 329 – 338)

The majority of proposed revisions to this subchapter reflect mandatory regulation updates from the PA Food Protection Act as well as changes in the FDA Model Food Code. ACHD also proposes two new sections that address gaps in state regulations and federal guidance as well as a revision of the HACCP section.

330. Food Prepared in a Private Home (new section): This new section would make clear that Allegheny County residents cannot sell food prepared in a private home unless the business is approved and registered as a Limited Food Establishment with the Pennsylvania Department of Agriculture (PDA) under the Pennsylvania Food Safety Act. The selling of food from private homes is commonly referred to as 'Cottage Foods' and is restricted to food items that do not require refrigeration for safety.

335. Donation of Foods (new section): This section would address a regulatory gap found throughout the country, with very few jurisdictions outlining regulations specific to food safety practices. This lack of regulatory language has been found to disincentivize business owners and

other donors from donating foods. Many potential donors choose not to donate due to assumptions that they are prohibited from doing so, confusion over what food safety regulations apply to their food, and fear that ACHD would penalize them for making any mistakes. In recognition of the importance of food donation to reduce food waste and address food insecurity, ACHD proposes the inclusion of this section as a means of reducing food donation barriers while promoting safe food handling practices. Regulatory language outlining food safety for donated foods would also provide protections for donators that adhere to these standards in addition protections provided by state and federal Good Samaritan acts. Language for this section was drafted after a review and assessment of existing food safety and donation language in other jurisdictions.

337. Specialized Processes and HACCP Plans: Regulations require Hazard Analysis Critical Control Point (HACCP) plans for specialized food processes that can increase food safety risks if proper controls are not in place. The current Article only focuses on one specialized process, vacuum packaging or reduced oxygen packaging. ACHD proposes a revision that applies to various processes, including smoking food, curing food, acidifying food, packing food in modified atmosphere packaging, growing and harvesting microgreens, and juicing. In addition, the revised section would outline the requirements of the contents of a HACCP plan, providing clear guidelines for pursuing a special process safely. No clear guidelines to submit a HACCP plan are currently in Article III.

Special Food Service Facilities (sections 339 – 342)

339. Mobile Food Facilities: ACHD proposes revisions that would require mobile food operators to submit key information annually. Such documentation would include state vehicle registration, commissary information, as well as planned participation in food events and normal food service location(s). ACHD also proposes language that would clarify that all mobile facilities must have a permitted commissary, but that mobile food facilities would no longer be required to report to their commissary daily. ACHD proposes this change after a reevaluation of current business practices and food safety requirements.

340. Temporary or Seasonal Food Facilities: Proposed language added for clarity.

341. Shared Kitchens (new section): Shared kitchen business models are becoming increasingly common. Shared kitchens serve a meaningful purpose in the food industry, providing commercial kitchen space for businesses such as start-up businesses, cottage food members unable to utilize their kitchen in a private home, and ‘ghost’ kitchens providing food only through online ordering and by delivery. Businesses running shared kitchens as the *primary permit holder* rent their kitchen to other food businesses, *shared kitchen users*, to prepare food to sell online, at festivals or farmer markets, or in other permanent food facility locations. Every shared kitchen is unique in how the kitchen space is used, the availability of equipment, and the storage space provided. This new section would clarify procedures and policies for shared kitchen operations, the need for operators to consult with the Department and submit plans for

permitting, and the responsibilities of the shared kitchen *primary permit holder* and the *shared kitchen user*.

342. Self-Service Food Facility (new section): Self-service food facilities are an emerging industry in Allegheny County. Unattended food facilities operate in a manner similar to a retail convenience store, but without any Person in Charge overseeing food safety or sale of food products. Customers walk into an unattended convenience store, select their food from shelves and refrigerators, and then pay at a self-checkout kiosk. Proposed revisions to Article III would address the food safety provisions that these facilities must adhere to, specifically the safe storage of food requiring refrigeration and the security of food in tamper-evident containers. ACHD has already issued food permits to unattended food facilities, such as those located in corporate office buildings and health care facilities, and this section would provide necessary regulatory guidance when reviewing new proposals for such food service settings.

Administrative Procedures and Remedies (sections 343 – 352)

Proposed revisions to these sections are based on providing succinct and clear information to food operators. For ease of use, ACHD proposes that the subsections of the current version be separated into individual sections. The only substantive proposed updates are in the ‘Variances’ and the ‘Food Safety Advisory Committee’ sections.

346. Variances: Proposed revisions outline a clear list of items required in every variance request to determine if the variance could be approved. It is currently common for ACHD to receive a variance request lacking enough information to decide if public health hazards have been addressed by the business owner requesting the variance.

350. Food Safety Advisory Committee: ACHD proposes adding the Allegheny County Food Safety Advisory Committee policy and procedure to the updates in Article III. This addition would be similar to Article XXI “Air Quality,” which includes a section for their advisory committee. This addition would provide information to the public about the formation and function of the committee. By formalizing this section and promoting greater awareness of the Allegheny County Food Safety Advisory Committee, ACHD hopes to ultimately engage a larger portion of the food industry.

Allegheny County Health Department
ARTICLE III. FOOD SAFETY

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Glossary of Commonly Used Abbreviations

ANSI	American National Standards Institute
CFPM	Certified Food Protection Manager
CFR	Code of Federal Regulations
CCP	Critical Control Point
DEP	The Pennsylvania Department of Environmental Protection
EPA	The United States Environmental Protection Agency
FDA	The United States Food and Drug Administration
HACCP	Hazard Analysis Critical Control Point
MFC	Model Food Code
NSF	National Sanitation Foundation
PDA	The Pennsylvania Department of Agriculture
TCS	Time and Temperature Control for Safety
USDA	The United States Department of Agriculture

SECTION 300. PURPOSE AND SCOPE

The purpose of this Article is to safeguard public health through the application of the principles of food safety, foodborne illness prevention and environmental health in food facilities. This Article shall be liberally construed and applied to promote the underlying purpose of protecting the public health; and shall be consistent with the laws of the Commonwealth of Pennsylvania.

This Article establishes definitions; sets standards for management, personnel, operations, equipment and facilities; and provides for food facility plan review, food permit issuance, inspection, Hazard Analysis Critical Control Point (HACCP) Plan evaluation, food permit suspension and revocation, and penalties.

SECTION 301. APPLICABILITY

A. This Article provides for the regulation of food operations, to include but not limited to, restaurants and eating establishments, hospitals, nursing homes, personal care homes, schools, retail stores, food processors, caterers, warehouses, temporary and seasonal food facilities, mobile food facilities, and other similar food facilities which directly or indirectly provide food to the public.

B. A retail food facility that sells only a food in its raw or natural state, including all fruits which are washed, colored or otherwise treated in their unpeeled, natural form prior to marketing shall be exempt from this article.

PLAN REVIEW, PERMITTING, AND PLACARDING

SECTION 302. FOOD PERMITS

302.1 General

A. It shall be unlawful for any person to operate a food facility in Allegheny County without first obtaining a valid and appropriate food facility food permit from the Department.

B. This food permit, unless suspended, shall be valid for a period of no more than one (1) year and for use only by the person or persons owning the business at the address given at the time of issuance. All food permits shall be posted in a place easily viewable to the public.

C. Food permits are not transferable by address, owner or change of classification. Any change of address, owner or classification shall require a new food permit. Any attempted food permit transfer shall be deemed void and shall immediately invalidate the food permit.

D. Nonprofit food facilities including, but not limited to, those listed below that use or offer food for human consumption shall be classified and permitted as determined by the Department:

1. A tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 501(c)(3)).

2. A volunteer fire company or ambulance, religious, charitable, fraternal, veterans, civic, sportsmen, agricultural fair or agricultural association, or a separately chartered auxiliary of an association on a nonprofit basis.
3. An organization that is established to promote and encourage participation and support for extracurricular recreational activities for youth of primary and secondary public, private and parochial school systems on a nonprofit basis.

E. Only food facility owners or operators who comply with all applicable Department Rules and Regulations, Pennsylvania law, Federal law, and all orders issued thereunder, shall be entitled to receive and retain such a permit.

F. By accepting a food permit issued by the Department, the operator of the food facility consents to inspection of the premises by the Food Safety Program personnel during hours of operation and other reasonable times during which the facility is not open.

302.2 Classification

For the purposes of this Article, the following classifications of food facilities shall be applied:

A. Class I is a food facility that only handles commercially prepackaged non-time and temperature controlled for safety (TCS) food. Class I facilities are exempt from permitting requirements of this Article but are required to register with the Food Safety Program before operation of the retail food facility pursuant to 7 PA Code § 46.212.

1. Registration process includes:
 - (a) Completion and submission of the registration application; and
 - (b) Payment of fees according to the Food Safety Fee Schedule.
2. A retail food facility that is exempted from permitting requirements under this section shall remain subject to inspections and all other provisions of this Article.

B. Class II is a food facility that only handles commercially prepackaged TCS food.

C. Class III is a food facility that handles TCS food prepared for same day service without a cooling step or that prepares non-TCS Foods.

D. Class IV is a food facility that handles TCS food with complex food preparation steps such as cooling, reheating, and hot holding.

302.3 Fees

A. Prior to receiving a food permit, each food facility owner or operator shall be required to pay applicable fees as set forth in the Food Safety Fee Schedule.

B. All fees shall be set forth in a schedule as determined by the Director upon approval from the Board of Health.

C. A single owner or operator operating more than one food facility in the same structure, shall obtain a separate food permit and pay a separate fee for each food facility as listed on the fee schedule.

D. Temporary food facilities shall obtain a separate temporary food permit per each temporary event and location. A temporary permit is valid for a maximum of 14 days. The temporary food permit shall act as the placard for operation of a temporary food facility.

E. Seasonal food facilities shall obtain a seasonal food permit and are not required to obtain a separate food permit for each date of operation within the season. Seasonal food facilities operating in different sites on the same day are required to obtain a separate permit for each facility. The seasonal food permit is valid for a maximum of 6 months. The seasonal food permit shall act as the placard for operation of a seasonal food facility.

F. Additional fees may be assessed for the furnishing of special services or materials that are not ordinarily provided under permit or pursuant to regulation. Such services may include activities performed outside regular departmental working hours and will be charged at a rate equal to the cost of providing the service.

G. No refunds shall be issued due to permanent or temporary termination of business.

SECTION 303. PLACARDING OF FOOD FACILITIES

303.1 General Placarding

All permitted food facilities shall display a placard provided by the Department. Placards shall be posted at all patron entrances of the food facility and drive through service windows so as to be clearly conspicuous to persons entering or obtaining food from the facility. Placards shall not be altered, concealed or removed. Removal shall only be at the direction of the Department.

303.2 "Inspected and Permitted by the Allegheny County Health Department" placard

All food facilities that meet the requirements of this Article shall display this placard unless subject to subsections 303.3 or 303.4 of this Article.

303.3 "Consumer Alert" placard

When the food facility fails to meet the requirements, and upon inspection has significant high or medium risk violations, the Department is authorized to post the "Consumer Alert" placard on the food facility. A food facility placarded with a "Consumer Alert" is allowed to operate for a period not exceeding ten (10) calendar days. The permit holder may request a reinspection, in writing, before the expiration of the ten (10) day period. An inspection shall be conducted either prior to expiration of the temporary period, or on the tenth day to determine compliance with this Article, but no sooner than twenty-four (24) hours after the Consumer Alert placard is posted. The Department retains the right to inspect a facility within the twenty-four (24) hour period for emergency situations. Upon inspection, one of the following shall occur:

1. The "Inspected and Permitted by the Allegheny County Health Department" placard is posted, if the facility complies with the requirements of this Article;
2. The "Consumer Alert" placard remains if high or medium risk violations remain and the ten (10) day period has not expired. The facility will then be reinspected at the expiration of the temporary period at the owner's expense; or
3. The "Closed by Order of the Allegheny County Health Department" placard is posted, if the violations remain or have recurred, and the ten (10) day period has expired.

303.4. "Closed by Order of the Allegheny County Health Department" placard
It shall be unlawful to operate any food facility with a "Closed by Order of the Allegheny County Health Department" placard. A "Inspected and Permitted by the Allegheny County Health Department" placard can only be posted after a Department inspection has verified the correction of the violations that led to the closure.

The Department is authorized to post the "Closed by Order of the Allegheny County Health Department" placard on food facilities under any of the following conditions:

1. The Department finds at any time that conditions warrant or there is an imminent health hazard under the provisions of § 343 of this Article;
2. Upon the expiration of the Consumer Alert placard and the original violation(s) that led to the Alert remains;
3. The facility is found operating without a valid food permit;
4. The owner of a food facility, after sufficient notice, fails to allow access for inspection; or
5. The Department has provided an opportunity for a hearing under the provisions of § 344 and determines that there is a violation of any section of this Article.

SECTION 304. FOOD FACILITY PLANS and APPLICATIONS

304.1 All food facilities, shall only be constructed, extensively remodeled, or converted, in accordance with plans and specifications that are approved by the Department in writing.

304.2 Plans and Fees – Contents and Review

A. Plans and specifications must be submitted to the Department for review and approval prior to any of the following:

1. Whenever a food facility is to be constructed, including new developments and repurposing of a site for food operations;
2. An existing structure is converted to a food facility;

3. A food facility is remodeled, including but not limited to installation and use of any new major food equipment for heating, cooling, and hot and cold holding food;
4. Change of ownership;
5. Change of commissary; or
6. Change of classification.

B. Plans and specifications shall include:

1. A tentative menu, or types of food to be sold, stored, prepared or offered, and the following where applicable:
 - (a) Anticipated volume of FOOD to be stored, prepared, and sold or served
 - (b) Consumer advisory intentions, if a consumer advisory is required,
 - (c) Food preparation steps of each food to be processed, in the case of a food processor,
 - (d) A HACCP Plan for specialized processing methods.
2. A floor plan of the complete food facility premises that is drawn to scale that includes the following;
 - (a) Property boundaries, building locations, garbage and waste oil storage, and grease interceptor, construction materials and finish schedules.
3. A list of equipment that corresponds to the floor plan and includes the manufacturers' names, model numbers, dimensions and installation specifications;
4. A completed and signed food permit application form, obtained from the Department;
5. Payment of the appropriate fee established by the Director for the review of plans; and
6. Proof that the proprietor has applied for or received a sales and use tax license or exemption certificate from the PA Department of Revenue.
7. Other information that may be required by the Department for the proper review of the proposed construction, conversion or modification of a food facility, and requested by the Department in writing.

C. The fee for review of plans and applications shall be determined based on the fee schedule. No refunds will be given for any plan review fees whether plans are approved or disapproved.

D. The Department shall not approve plans until they meet all requirements imposed by this Article and the Department. Whenever plans are disapproved, the Department will respond, in writing, stating the deficiencies in the plans. The applicant, after receiving the deficiencies in writing, shall submit revisions based upon the identified deficiencies.

304.3 Pre-Operational Inspection

Whenever plans or applications are required under § 304.2 or when a food facility changes ownership, an inspection must be conducted by the Food Safety Program prior to operation to determine compliance with this Article. It is the responsibility of the operator to schedule the inspection. Operators shall provide at least 10 (ten) calendar day's notice to the Department for scheduling the pre-operational inspection. Should a food facility fail to meet the requirements set forth in this Article for the operation of a food facility, a subsequent pre-operational inspection shall be conducted at the owner's expense according to the fee schedule.

304.4 Temporary and Seasonal Food Facilities

A completed temporary and seasonal facility application must be submitted, with the applicable food permit fee, for all temporary and seasonal food facilities. These applications must be reviewed and approved prior to operation.

SECTION 305. INSPECTIONS

Announced and Unannounced Inspections of permitted food facilities shall be conducted on a routine basis. Food facilities that operate on an irregular basis or schedule such as, but not limited to, caterers and mobile food facilities shall provide the Department with a schedule annually of planned or intended dates and times of operation.

A. The frequency of routine inspections shall be based on the type of operation and prior inspection history of the food facility.

B. Reinspections or follow-up inspections, as deemed necessary, shall be conducted to determine if cited violations have been corrected.

C. Non-routine inspections and HACCP Plan evaluations may be conducted as needed, when potential public safety hazards or public health emergency conditions exist, or on a complaint basis.

D. The operator or owner shall be provided with a copy of the inspection report upon completion of the inspection. All reports shall be on file and available for public review.

E. During all inspections, operators must provide access to all pertinent records and to all areas of the premises.

SECTION 306. Temporary and Seasonal Event Registration

A. The event organizer or the responsible party for temporary or seasonal events where 5 (five) or more food facilities will be present must complete an event organizer's application for a temporary or seasonal event at least 14 business days before the expected start of the event. The application must include the following information to be processed:

1. Estimated number of food facilities registered for the event;
2. Dates, times, and location of the event.
3. Business names and contact information of expected food vendors;
4. Expected number of people per day;
5. Water supply plan;
6. Waste and refuse disposal plan, which must comply with sections 320 and 324 of this Article;
7. Electrical power supply plan;
8. Contact information for the designated point of contact on the day(s) of the event.

B. Payment of application fees shall be based on the number of registered food facilities. No refunds will be provided due to termination or cancelation of the event or a food facility's failure to attend.

C. Event organizer must designate a point of contact that shall be present at the event and available to the Department.

D. Failure to comply with this section may result in enforcement actions including, but not limited to, monetary penalties and closure orders for temporary or seasonal operators that have failed to submit timely application materials.

EQUIPMENT, UTENSILS, AND LINENS

SECTION 307. PERMISSIBLE EQUIPMENT AND MATERIALS

307.1 General

Multi-use equipment, and utensils shall be constructed and repaired with safe, non-toxic materials, including finishing materials; shall be corrosion resistant, nonabsorbent; and shall be smooth, easily cleanable, and constructed to be durable under conditions of normal use. Single-service and single-use articles shall be made from clean, sanitary, safe materials. Equipment, utensils, single-service and single-use articles shall not impart odors, color or taste, nor contaminate food in any other manner.

307.2 Lead

Tableware and utensils, solder, flux and pewter alloys shall be lead-free, or contain levels of lead not exceeding the recommended limits for food-contact surfaces as stated in § 4-101.13 of the Model Food Code (MFC).

307.3 Wood

Hard maple or equivalent nonabsorbent close-grained wood may be used for cutting boards, bakers' tables, rolling pins, doughnut dowels, salad bowls, and wooden paddles that are subject to 230°F or above. Wood may also be used for single-service articles, such as chopsticks, stirrers, or ice cream spoons.

Wood shall not be used as a food-contact surface under other circumstances. Pressure or chemically treated lumber or other similar material is prohibited on exposed surfaces in food preparation, food storage, and utensil washing areas. Food that requires removal of rinds, peels, husks, or shell may be stored in treated wood if it meets the requirements of 21 CFR § 178.3800 Preservatives for wood.

307.4 Plastics and Rubber Materials

Approved plastic, rubber, or rubber-like materials that are resistant under normal conditions to scratching, scoring, decomposition, crazing, chipping, and distortion; that are of sufficient weight and thickness, to permit cleaning and sanitizing by normal warewashing methods; and which meet the general requirements set forth in previous sections of this Article, are permitted for repeated use.

307.5 Cutting Surfaces

When cutting surfaces can no longer be effectively cleaned and sanitized due to scratching or scoring, these surfaces shall be repaired or replaced.

307.6 Single-Service and Single-Use Articles

Single-service and single-use articles shall not be reused.

307.7 Mollusk and Crustacea Shells

Mollusk and crustacea shells may not be used more than once as serving containers.

307.8 Cast Iron

Cast iron may be used as a cooking surface. Cast iron may only be used as a utensil for serving food if the utensil is used only as part of an uninterrupted process from cooking through service.

307.9 Galvanized Metal

Galvanized metal may not be used in contact with acidic food.

307.10 Copper

Copper and copper alloys may not be used in contact with food that has a pH below 6, or for installation between a backflow prevention device and a carbonator. Copper and copper alloys may be used in contact with beer brewing ingredients in the pre-fermentation and fermentation steps of a brewing operation.

307.11 Perfluorocarbon resin

Only non-scoring or non-scratching utensils and cleaning aids shall be used with multi-use kitchenware that has a perfluorocarbon resin coating.

307.12 Sponges

Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

307.13 Food temperature measuring

Food temperature measuring devices shall not have sensors or stems constructed of glass that are not encased with a shatterproof coating.

SECTION 308. EQUIPMENT AND MATERIALS DESIGN, AND FABRICATION

308.1 General

All equipment and utensils shall be maintained in good repair to comply with the requirements of this Article. All equipment and utensils, including plastic-ware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping, cracking, and crazing.

A. Equipment that is certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program, such as the National Sanitation Foundation (NSF) is deemed to comply with § 307 and § 308 of this Article.

B. food-contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult-to-clean internal corners and crevices. Container closures and the threads of connectors shall be designed to facilitate cleaning; "V"- type threads are prohibited on food-contact surfaces, with the exception of hot oil cooking equipment or hot oil filtering systems.

C. Equipment containing bearings and gears requiring lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces. Equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces shall use food grade lubricants that meet the requirements of 21 CFR § 178.3570, Lubricants with incidental food contact.

D. Tubing conveying beverages or beverage ingredients to dispensing heads may not be in contact with stored ice intended for consumption except for cold plates that are constructed integrally with an ice storage bin. Drainage or drainage tubes from dispensing units shall not pass through an ice machine or an ice storage bin.

E. Sink drain boards shall be sloped to be self-draining. All utensil and warewashing sinks must have at least one properly installed drain board.

308.2 Accessibility

Food-contact surfaces shall be accessible for cleaning and inspection, unless designed to be Cleaned in Place (CIP):

A. Without being disassembled;

B. By disassembling without the use of tools; or

C. By easy disassembling with the use of only simple tools, such as pliers, screwdrivers, or open-end wrenches which are kept near the equipment.

308.3 Cleaned in Place (CIP)

Equipment intended to be CIP shall be so designed and fabricated that:

A. Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and

B. Cleaning and sanitizing solutions will contact all interior food-contact surfaces;

C. The system is self-draining or capable of being completely evacuated of cleaning and sanitizing solutions; and

D. Designed with inspection access points to ensure that all interior food-contact surfaces are being effectively cleaned, if the equipment is not capable of being disassembled.

308.4 Non-Food-contact Surfaces

Surfaces of equipment not intended for contact with food, but which are exposed to splash or FOOD debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, corrosion-resistant, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of such material and in such repair as to be easily maintained in a clean and sanitary condition.

308.5 Microwave ovens

Microwave ovens shall meet the safety standards specified in 21 CFR § 1030.10 Microwave ovens.

308.6 Dishwashing Machines

A. Dishwashing machines shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operation specifications.

B. Dishwashing machines shall be equipped with a temperature measuring device that indicates the temperature of the water in each wash and rinse tank and as the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

C. Dishwashing machines that provide a fresh hot water sanitizing rinse shall be equipped with a pressure gauge or similar device that measures and displays the water pressure in the supply line immediately before entering the dishwashing machine.

308.7 Food Temperature Measuring Devices

Suitable metal probe-type numerically scaled indicating thermometers, or other approved temperature measuring devices shall be provided, readily accessible, and used to assure the attainment and maintenance of proper internal cooking, reheating, cooling, holding, or refrigeration temperatures of all TCS FOOD. Such thermometers shall be clean, properly calibrated, provide a minimum range of 0°F -220°F in increments no greater than 2°F, and be accurate according to the following:

1. Accurate to $\pm 1^{\circ}\text{C}$ if scaled in Celsius, or dually scaled in Celsius and Fahrenheit; or
2. Accurate to $\pm 2^{\circ}\text{F}$ if scaled only in Fahrenheit.

SECTION 309. EQUIPMENT INSTALLATION AND LOCATION

309.1 Location

A. Equipment must be installed as to be easily cleanable and to permit the easy cleaning of the surrounding areas.

B. Food equipment shall not be located under exposed, unshielded sewer and wastewater lines, leaking water lines, water lines on which condensed water has accumulated, open stairwells, or other sources of contamination, except for automatic fire protection sprinkler heads that may be required by law.

C. Equipment shall be located so that aisles, working spaces between pieces of equipment, and working spaces between equipment and walls are unobstructed and sufficient to permit cleaning and maintenance, and for food workers to perform their duties without contaminating food and food-contact surfaces.

309.2 Installation

A. Counter and Table-mounted equipment:

1. shall be installed to permit cleaning of the equipment and adjacent areas; and

2. unless easily movable, shall be sealed to the table or counter, or elevated on legs that provide at least a 4-inch clearance between the table and the equipment.

B. Floor-mounted equipment:

1. Unless easily movable, shall be sealed to the floor or elevated on legs that provide at least a 6-inch clearance between the floor and the equipment.

2. Display shelving units, refrigeration units, and freezer units are exempt from this requirement if they are installed so that the floor beneath the units can be cleaned.

C. Spacing for fixed equipment: unless there is space that will permit food worker access for cleaning alongside, behind, and above a unit of fixed equipment, the space between it and adjoining equipment, walls and ceilings shall be sealed if more than 1/32 inch.

SECTION 310. UTENSIL HANDLING AND STORAGE

310.1 Handling

Cleaned and sanitized utensils shall be handled by food workers in a way that protects them from contamination. Spoons, knives, and forks shall be touched only by their handles. Cups, glasses, bowls, plates and similar items shall be handled without touching food-contact surfaces. Soiled tableware shall be removed from consumer areas and handled so that clean tableware is not contaminated.

310.2 Storage

A. Cleaned and sanitized utensils and Single-service and single-use articles shall be stored:

1. At least 6 inches above the floor;
2. In a clean, dry location;
3. Protected from splash, dust, and other contamination; and
4. Not placed under exposed sewer lines or leaking water lines, except for automatic fire protection sprinkler heads that may be required by law.

B. Cleaned and sanitized utensils shall be air dried before being stored or shall be stored in a self-draining position.

C. Glasses and cups shall be stored inverted, wherever practical. Facilities for the storage of knives, forks, and spoons shall be designed and used to present the handle to the food worker or consumer.

310.3 Single-Service and Single-Use Articles

A. Single-service and single-use articles shall be handled and dispensed in a manner that prevents contamination of the food-contact surface or with the mouth of the user.

B. Single-service knives, forks and spoons PACKAGED in bulk shall be inserted into holders or be wrapped by food workers who have washed their hands and donned gloves immediately prior to sorting or wrapping the utensils.

310.4 Prohibited Storage Area

The storage of food equipment, utensils or single-service and single-use articles in toilet rooms or their vestibules, garbage rooms, mechanical rooms, locker rooms, open stairwells or where there are any other sources of contamination is prohibited. Laundered linens, single-service, and single-use articles that are packaged, or stored in a closed cabinet, may be in a locker room.

SECTION 311. CLEANING AND SANITIZING OF EQUIPMENT AND UTENSILS

311.1 General

Equipment, food-contact surfaces, and utensils shall be clean to sight and touch. The food-contact surfaces of cooking equipment shall be kept free of encrusted grease deposits and other soil accumulations. Non-food-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

311.2 Cleaning Frequency

A. To prevent cross-contamination, utensils and FOOD-contact surfaces of equipment shall be cleaned in accordance with § 311.4 or § 311.5 of this Article. This practice shall be done after each use, between foods requiring different cooking temperatures, and following any interruption of operations, during which time, contamination may have occurred.

B. Where equipment and utensils are used for the preparation of TCS food on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be washed, rinsed and sanitized at least every 4 hours. Cleaning and sanitizing at a time interval other than every 4 hours shall be

based on ambient temperature, food temperature, type of food, and amount of food particle accumulation as stated in § 4-602.11 of the MFC.

C. The food-contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil. The food-contact surfaces of grills, griddles, cooking and baking equipment, and similar cooking devices; beverage dispensers; and areas subject to food debris and splashes, such as the cavities and door seals of microwave ovens; shall be cleaned at least once a day. Except that this shall not apply to hot oil cooking equipment and hot oil filtering systems.

D. Consumer self-service equipment, such as condiment dispensers and display containers for non-TCS foods, shall be cleaned and sanitized before restocking.

E. Non-food contact surfaces of equipment shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

311.3 Wiping Cloths

A. Cloths used for wiping tableware, plates, or bowls being served to the consumer, shall be clean, dry, and used for no other purpose.

B. Moist cloths while being used for wiping food spills on kitchenware, food-contact and non-food-contact surfaces of equipment, shall be clean and rinsed frequently in one of the sanitizing solutions permitted in Section 312.3(E) and used for no other purpose. These cloths shall be stored in the sanitizing solution between uses and laundered daily.

C. Moist cloths in-use for wiping surfaces in contact with raw animal-derived foods shall be kept separate from cloths used for other purposes while in use.

311.4 Manual Cleaning and Sanitizing

A. Equipment and utensils shall be pre-flushed or pre-scraped and, when necessary, pre-soaked to remove food particles and soil.

B. Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing and sanitizing shall be conducted according to the following sequence:

1. Sinks shall be cleaned prior to use;
2. Pre scraped equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution, at least 110F, that is kept clean;
3. Equipment and utensils shall be rinsed free of detergent and abrasives in clean water in the second compartment;
4. Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in § 311.4(E) (1)-(6); and
5. Equipment and utensils shall be air dried.

C. The food-contact surfaces of all equipment and utensils shall be sanitized based upon pH of the solution by:

1. Immersion for at least thirty (30) seconds in clean, hot water at a temperature of at least 171°F;
2. Immersion for at least ten (10) seconds in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and having a temperature of at least 75°F;
3. Immersion for at least thirty (30) seconds in a clean solution containing 12.5 - 25 parts per million of available iodine and having a temperature of at least 68°F;
4. Immersion for at least thirty (30) seconds in a clean solution having a concentration of quaternary ammonium compound as indicated by the EPA-registered label use instructions and having a minimum temperature of at least 75°F;
5. Treatment with steam free from materials or additives other than those specified by the U.S. Food and Drug Administration (FDA) in the Code of Federal Regulations in the case of equipment too large to be sanitized by immersion but in which steam can be confined; or
6. Immersion, rinsing, spraying or swabbing with a clean solution containing any other chemical sanitizing agent allowed by the FDA in the 21 CFR § 178.1010, when evaluated to yield adequate SANITATION.

D. When hot water is used for sanitizing in manual warewashing, the following facilities shall be provided and used:

1. An integral heating device or fixture installed in or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 171°F; and
2. A numerically scaled indicating thermometer accurate to $\pm 3^{\circ}\text{F}$ or $\pm 1.5^{\circ}\text{C}$ convenient to the sink that can be used for frequent checks of water temperature; and
3. Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, utensils and equipment in the hot water.

E. Fixed equipment and utensils too large to be cleaned in a sink compartment shall be cleaned and sanitized manually, through pressure spray methods, in a warewashing machine, or an alternative method as specified in § 4-301.12 of the MFC.

311.5 Mechanical Cleaning and Sanitizing

A. Cleaning and sanitizing may be done by spray-type or immersion dishwashing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils. Such machines and devices shall be properly installed and maintained in good repair. Machines and devices shall be operated in accordance with the

manufacturer's instructions, and utensils and equipment placed in the machine shall be exposed to all dishwashing cycles. Automatic detergent and wetting agent dispensers, and liquid sanitizer injectors, if any, shall be properly installed and maintained. All mechanical cleaning and sanitizing equipment should comply with NSF or ANSI Standards.

B. Operation and efficacy of mechanical cleaning and sanitizing equipment should be tested at least daily.

311.6 Air Drying

All equipment, tableware and utensils shall be air-dried on a non-absorbent clean surface after sanitation.

311.7 Sanitization Monitoring

When chemicals are used for sanitizing, they shall not have concentrations higher than the maximum permitted by the FDA Code of Federal Regulations and shall be used in accordance with the label-use instructions registered with the U.S Environmental Protection Agency (EPA). Test strips, a test kit, or other device that accurately measures the parts per million concentration of the solution shall be provided and used. When hot water is used for sanitizing, heat sensitive tapes or other approved measuring device shall be provided and used to monitor final sanitation temperature.

PHYSICAL SITE

SECTION 312. FLOORS, WALLS, AND CEILINGS

312.1 General

Floors, walls and ceilings shall be kept clean and maintained in good repair.

312.2 Construction

A. Floors, walls, and ceilings of all food preparation, food storage, and warewashing areas; dressing rooms; locker rooms; toilet rooms and vestibules shall be constructed of smooth, durable, easily cleanable material. Concrete or pumice blocks and bricks used in these locations shall be finished and sealed to provide a smooth easily cleanable surface.

B. The surfaces of food preparation areas, warewashing areas, toilet rooms, walk-in refrigerators, and other areas subject to moisture under normal conditions shall be nonabsorbent. Studs, joists, and rafters shall not be exposed in areas subject to moisture accumulation.

C. In all facilities utilizing concrete, terrazzo, quarry tile, ceramic tile, or similar flooring materials, or where water flushing cleaning methods are used, the junctures between walls and floors shall be coved and SEALED. In all other cases, the juncture between walls and floors shall be covered so as not to present an open seam of more than 1/32 inch (1 mm).

312.3 Utility Line Installation

Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor, walls, or ceiling. In all new or extensively remodeled food facilities, installation of exposed horizontal utility service lines and pipes on the floor is prohibited.

312.4 Attachments

Light fixtures, vent covers, mounted fans, decorative materials, and similar attachments to walls and ceilings shall be easily cleanable and shall be maintained in good repair. Attachments and decorative materials in a consumer area must be maintained clean.

312.5 Carpeting

Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleaned, and maintained in good repair. Carpeting shall not be used in areas subject to moisture.

312.6 Mats and Duckboards

Mats and duckboards shall be of nonabsorbent, grease resistant materials and of such size, design, and construction to facilitate cleaning and shall be maintained clean and in good repair.

312.7 Prohibited Floor Covering

Sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials shall not be used as floor coverings; however, these materials may be used in amounts necessary for immediate spot clean-up of spills or drippage on floors and shall be readily removed.

SECTION 313. VENTILATION

313.1 General

A. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapor, malodorous scents, smoke and fumes. Ventilation systems shall be installed and operated according to law and, when vented to the outside, shall not create a nuisance nor an unsightly, harmful or unlawful discharge.

B. Intake and exhaust air ducts shall be designed, installed and maintained to prevent the entrance of dust, dirt, and other contaminating materials.

313.2 Specific Ventilation Requirements

A. Ventilation systems designed for installation over cooking and dishwashing equipment shall be installed and maintained in accordance with the most current International Mechanical Code and Fire Code adopted by the Commonwealth of Pennsylvania and as directed by the Local Municipality in which the facility is located.

B. Ventilation hoods and devices shall be designed to prevent grease or condensate from draining or dripping into food or onto food preparation surfaces, equipment, utensils, clean linens, and single-service and single-use articles; and from collecting on the walls and ceilings.

C. Filters, where required or used, shall be readily removable for cleaning or replacement.

D. Toilet rooms must be ventilated to the outside by APPROVED mechanical means, a fully operational screened window or, if access to the outside is not available, an APPROVED ventless unit.

E. Carbon Monoxide producing devices such as water heaters and dryers must be provided with adequate ventilation in accordance with Article XII "Carbon Monoxide".

SECTION 314. LIGHTING

All areas of a food facility shall be well- lit by permanently fixed artificial light sources:

A. At least 50 foot candles of light shall be provided at a surface where a food worker is working with food or working with utensils or equipment, such as knives, slicers, grinders or saws where food worker safety is a factor.

B. At least 20 foot candles shall be provided at a surface where food is provided for consumer self-service, display or sales; inside equipment, such as reach-in coolers; and at a distance of 30 inches measured above the floor in areas used for handwashing, warewashing, equipment and utensil storage, and in toilet rooms.

C. At least 10 foot candles, to be measured at a distance of 30 inches from the floor, shall be provided in walk-in refrigerating units, dry storage, dressing rooms, garbage/refuse storage areas and in other areas and rooms during periods of cleaning.

D. Light bulbs shall be shielded, coated, or otherwise shatter-resistant for all artificial lighting fixtures located over, by or within food storage, preparation, service and display areas, or where there is exposed food; clean linen storage; and facilities where utensils and equipment are cleaned and stored, except for areas in which commercially packaged food is stored where the integrity of the package will not be affected by broken glass.

E. Infrared or other type heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

SECTION 315. GENERAL PREMISES

315.1 General

A. All parts of the premises shall be kept clean and maintained, free from rubbish, refuse, dust, and dirt and free of articles not essential to the operation or maintenance of the facility.

B. The surfaces of all exterior areas of the food facility shall be constructed to facilitate maintenance and minimize dust. These surfaces shall be graded to facilitate drainage and eliminate pooling.

C. Perimeter walls and roofs shall effectively protect the facility from the weather and shall be constructed of weather-resistant materials.

315.2 Living Areas

Living or sleeping quarters shall not be maintained in any room used for food storage or preparation. Food service operations shall be separated from any living or sleeping quarters by complete partitioning, such as solid, self-closing doors.

315.3 Laundry Facilities

A. Laundry facilities in a food facility shall be restricted to the washing and drying of linens and work clothes used in the operation. If such items are laundered on the premise, an electric or gas dryer shall be provided and used.

B. Separate rooms shall be provided for laundry facilities except that such operations may be conducted in storage rooms containing only pre-packaged foods or packaged single-service articles.

315.4 Dressing Rooms and Locker Areas

If food workers routinely change clothes within the facility, rooms shall be designated for that purpose. These designated rooms shall not be used for food preparation, warewashing, or for the storage of food, equipment, utensils, clean linens, single-service articles, or single-use articles.

315.5 Lockers

Suitable and sufficient number of lockers or other approved facilities shall be provided for the orderly storage of food worker clothing and other belongings. Such lockers or other approved facilities shall be maintained clean and in good repair and shall not be located in any room or area where food is prepared, manufactured, or packed.

315.6 Linens and Work Clothes Storage

A. Clean linens and clothes, including wiping cloths, shall be stored in a clean place, in an orderly manner and protected from contamination until used.

B. Soiled work clothes and linens, including wiping cloths, shall be kept in nonabsorbent containers or washable laundry bags until routinely removed for laundering, and shall be stored to prevent the contamination of food, equipment, utensils, clean linens, single-service articles, and single-use articles.

315.7 Cleaning Equipment Storage

Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar equipment shall be maintained in good repair and shall be stored to prevent the contamination of food, equipment, utensils, clean linens, single-service articles, or single-use articles and shall be stored in an orderly manner to facilitate the cleaning of the storage location. Mops and brooms shall be stored off the floor and, in a position to facilitate drying and prevent soiling walls, equipment, or supplies.

SECTION 316. ANIMALS IN FOOD FACILITIES

316.1 General

A. Live animals shall be excluded from the premises of a food facility. This exclusion does not apply to the following:

1. Edible fish, crustacea, shellfish, or decorative fish in aquariums.
2. Live or dead fish bait if stored separately from FOOD; equipment, utensils, clean linens, single-service articles or single-use articles.

3. Service animals accompanying and under the control of persons with disabilities in patron areas, in accordance with 28 CFR § 35.136 and Laws of the Commonwealth.

4. Pets in the common dining areas of nursing homes, assisted living facilities, group homes, or residential care facilities during non-food service times and if the contamination of food contact surfaces is prevented.

5. Pets in pet friendly areas of a retail food facility, with prior approval by the Department in accordance with § 316.2 below.

6. Dogs accompanying law enforcement that are conducting official duties.

7. Sentry dogs in outside fenced areas.

B. While on duty, persons employed in the food operational areas of a facility shall not care for or handle any service animals or pets.

316.2 Pet Friendly Areas

Retail food facilities that allow pets on the premises shall adhere to the following:

1. Provide a separate entrance from the outside of the retail food facility to the pet area so that a pet will have direct access to the pet area without entering the non-pet areas of the retail food facility.
2. Post a sign at the front entrance of the retail food facility so that it is easily visible to the public. The sign must state: "Pet Friendly Area: Pets may only access the designated area." The sign shall also include "To report violations, contact Allegheny County Health Department Food Safety Program 412-578-8044."
3. Provide self-closing doors at all entrances to the pet friendly area from the interior of the retail food facility.
4. Limit food preparation to beverage service only in the pet friendly area.
5. Provide hand sanitizer to patrons in the pet friendly area
6. Maintain the area free of visible hair, dander, and other pet-related waste or debris. Appropriate materials for this purpose shall be kept near the designated area. Dedicated equipment used to clean the area must be kept outside.
7. Prohibit food workers, while on duty, from unnecessary physical contact with any pet.
8. Ensure that all dogs are kept on a leash and remain in the control of the patron while in the pet friendly area. All dogs must have proof of current rabies vaccination and a current license issued by the local jurisdiction, as applicable.

9. Report any human bite from a pet to the Allegheny County Health Department Infectious Disease Program (412) 578-8062.
10. Prevent pets from being placed on seats, tables, countertops, or any other surface that patrons use in the area.
11. Prevent pet contact with any utensils or equipment used for food service or preparation.
12. Water for dogs may be provided by the retail food facility in disposable containers only.

SECTION 317. INSECTS, RODENTS, AND PEST PREVENTION AND MANAGEMENT

317.1 General

Effective and approved measures shall be utilized to minimize the entry of rodents, flies, cockroaches, or other vermin and pests. The premises shall be maintained in a condition to prevent the entrance, harborage and feeding of insects, rodents and other pests. Dead or trapped vermin shall be removed at a frequency that prevents their accumulation, decomposition or attraction of pests.

317.2 Openings

Outdoor openings shall be effectively protected against the entry of rodents, birds, insects and other pests as specified in § 6-202.15 of the MFC, by solid, tight-fitting, self-closing doors; closed windows; screening; controlled air currents; or other effective means. Screen doors shall be self-closing. Screens for windows, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of breaks. Screening material shall be not less than 16 mesh to the inch. This sub-section does not apply if flying insects and other pests are absent due to the location of the food facility, the weather, or other limiting conditions unique to the facility.

317.3 Pest Control Services

The services of a licensed pest control operator shall be required when a food facility has evidence of rodent or insect activity to the extent that rodent droppings are visible, or live insects are seen during an inspection. The food facility shall maintain records of the pest control operator's services on file for inspection for at least one year.

SECTION 318. POISONOUS AND TOXIC MATERIALS

318.1 General

A. There shall be present in a food facility only those approved poisonous or toxic materials necessary for operating and maintaining the facility; for cleaning and sanitizing equipment and utensils; for use in laboratory testing procedures; and for controlling insects and rodents.

B. Packaged products offered for retail sale are exempt from this subsection.

318.2 Container Labeling

All containers of poisonous or toxic materials shall be prominently and distinctively marked or labeled for easy identification of contents. This shall include reusable containers such as spray bottles.

318.3 Storage

A. Poisonous or toxic materials shall not be stored above or adjacent to food, equipment, utensils, clean linens, warewashing stations and drainboards, or single-service articles, or single-use articles. This requirement does not prohibit the convenient availability of detergents and sanitizer at warewashing stations provided they are stored in a manner that prevents contamination.

B. Packaged poisonous or toxic materials offered for retail sale shall not be kept above or adjacent to food, equipment, utensils, clean linens, single-service articles, or single-use articles.

318.4 Use

A. Poisonous or toxic materials shall not be used in any way that contaminates food, equipment, utensils, clean linens, single-service articles, or single-use articles; nor in any way that constitutes a hazard to food workers or other persons; nor in any way other than in full compliance with the manufacturer's labeling and law.

B. Restricted use pesticides shall be applied only by a certified applicator.

C. Re-use of containers previously used to store poisonous or toxic materials is prohibited, except for the storage of the same product dispensed from bulk supply.

D. Bait stations shall be tamper-resistant and covered to prevent spillage and scattering of poisonous material. The use of loose or liquid bait, including packaged "place packs", is prohibited.

E. Toxic tracking materials shall not be used in food facilities. A nontoxic tracking powder such as talcum or flour may be used in a way that does not contaminate food, equipment, utensils, clean linens, single-service articles, or single-use articles.

F. Bactericides, cleaning compounds, or other compounds intended for use on food contact surfaces shall not be used in any way that leaves a toxic residue on such surfaces or that constitutes a hazard to food workers or other persons.

318 .5 Personal Health Aids and Cosmetics

A. First aid supplies shall be stored in a labeled kit or container and shall not be stored adjacent to or above food, equipment, utensils, clean linens, single-service articles, or single-use articles.

B. Only those medications necessary for the health of food workers may be present. Medications shall not be stored adjacent to or above food, equipment, utensils, clean linens, single-service articles, or single-use articles. Medication that requires refrigeration shall be double-packaged, properly labeled, and stored on the bottom shelf.

C. Cosmetics and personal care items shall bear a legible label and shall not be stored adjacent to or above food, equipment, utensils, clean linens, single-service articles, or single-use articles.

D. Packaged first aid supplies, medicines, and cosmetics offered for retail sale shall not be stored adjacent to or above food, equipment, utensils, clean linens, single-service articles, or single-use articles.

WATER, PLUMBING, AND WASTE

SECTION 319. WATER SUPPLY

Sufficient potable water for the needs of the food facility shall be provided from an approved source. Only potable water shall be used in contact with food or food-contact surfaces.

A. All potable water not provided by pipe to any permanent food facility from the source shall be delivered in an approved bulk-water transport system and to an approved closed water system.

B. Bottled and packaged potable water shall be obtained from an approved source and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container. This water supply cannot be used as a primary and permanent source.

C. Hot and cold water under pressure shall be provided to all applicable fixtures, and food and non-food equipment that use water, and meet the peak water demands throughout the food facility.

D. Drinking water systems shall be flushed and disinfected before being placed into service, after construction, repair or modification, seasonal shut down, or after an emergency situation.

E. Drinking water from non-public water systems shall meet the standards for public drinking water established in 25 Pa. Code Chapter 109 (Safe Drinking Water); maintenance and operation requirements; and shall be sampled as a transient non-community public water system that serves 25 people daily or as directed by the Pennsylvania Department of Environmental Protection (DEP). All analytical work must be performed according to law and the reports must be retained on file at the food facility.

SECTION 320. SEWAGE AND WASTEWATER

All sewage and wastewater shall be disposed of in accordance with laws of the Commonwealth of Pennsylvania and the Allegheny County Health Department Article XIV, "Sewage Disposal".

SECTION 321. PLUMBING

A. Plumbing, plumbing fixtures and devices, shall be properly maintained and installed according to the Allegheny County Health Department Article XV, "Plumbing Code".

B. Backflow and back siphonage shall be prevented by methods approved by the Allegheny County Health Department Article XV, "Plumbing Code".

C. All food facilities that handle or prepare food must have at least one (1) sink with at least three (3) compartments. Sinks must meet NSF, ANSI, or equivalent standards. Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils intended to be cleaned in a sink.

D. At least one (1) service sink or curbed cleaning facility with a floor drain shall be provided in accordance with Article XV "Plumbing Code" and used for the cleaning of mops, maintenance tools, obtaining mop water, and disposal of mop water or similar liquid wastes.

E. The use of food preparation sinks, handwashing sinks, toilets, or warewashing equipment, for the disposal of such wastes is prohibited.

SECTION 322. TOILET ROOMS

322.1 Toilet Room Location and Design

A. Toilet rooms shall be convenient and adequate according to this Article. Toilet rooms for food workers shall be accessible during all hours of operation and from inside of the building.

B. Toilet rooms for patrons cannot be accessed through food preparation, warewashing, food storage, or utensil storage areas.

C. To minimize the potential for the spread of disease between the toilet facility and food preparation areas toilet rooms shall be completely enclosed and have tight fitting, self-closing, solid doors, which shall be kept closed except during cleaning or maintenance. The doors of toilet rooms shall not open directly into any room where food, beverages, or utensils are prepared handled or stored, except where alternate means have been taken to protect against such contamination such as double doors or negative air-flow systems.

322. 2 Toilet Room Maintenance

Toilet rooms and fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times.

A. All toilet rooms shall have at least one easily cleanable covered waste receptacle for refuse materials.

322.3 Toilet Room Fixtures

The minimum number of toilet room fixtures shall conform to the Allegheny County Health Department Article XV, "Plumbing Code".

322.4 Toilet Room Number and Type

A. The number and type of toilet rooms shall conform to the Allegheny County Health Department Article XV, "Plumbing Code". Any food facility which was constructed prior to October 4, 1976 and maintained in its original intent and configuration is exempt from this subsection.

B. Non-sewered toilet (NST) systems shall conform to the Allegheny County Health Department Article XIV, "Sewage Disposal".

SECTION 323. HANDWASHING SINKS

A. Handwashing sinks shall be installed properly and according to the Allegheny County Health Department Article XV, "Plumbing Code".

B. Sufficient handwashing sinks as determined by the Department shall be convenient to the food preparation, food dispensing, warewashing areas, and available for use by all food workers.

C. Handwashing sinks located in or near each food preparation, processing, and utensil washing area, and in or adjacent to all toilet rooms, shall be accessible at all times.

D. Handwashing sinks shall not be used for food preparation or washing of equipment and utensils.

E. Handwashing sinks shall be provided with hot and cold running water provided through an approved water-temperature limiting device or combination faucet. Steam mixing valves are prohibited. The hot water shall be provided at a temperature of at least 100°F. Handwashing sinks in public areas or accessible to children in child day care centers may not exceed 110°F.

F. Any self-closing or metering faucet shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. G. A supply of hand cleaning soap or detergent shall be conveniently located near each handwashing sink. A supply of individual, disposable towels or a hand drying device providing heated air, shall be conveniently located near each handwashing sink. Common towels are prohibited. If disposable towels are used, nonabsorbent easily cleanable waste receptacles shall be conveniently located near the handwashing sinks.

H. Handwashing sinks, soap dispensers, hand drying devices and all related fixtures shall be kept clean and in good repair.

I. Sufficient notices shall be conspicuously posted above or near handwashing sinks directing all food workers to thoroughly wash their hands.

J. Hand antiseptics may be used to supplement proper handwashing and do not replace proper handwashing required by food workers.

K. A minimum of one (1) handwashing station or hand antiseptic station must be provided where NSTs are used. Handwashing stations or hand antiseptic stations must be provided at a ratio of one (1) handwashing station or hand antiseptics stations to every five (5) NSTs for use by the public.

SECTION 324. GARBAGE AND REFUSE, RETURNABLE ITEMS AND RECYCLABLES

324.1 General

Garbage and refuse shall be stored, handled, and disposed of in a manner that protects food and food-contact surfaces from contamination, and does not create a condition conducive to pests, a nuisance, or violate any other section of this Article.

324.2 Receptacles

A. Receptacles shall be durable, easily cleanable, insect-resistant, and rodent-resistant containers that do not leak or absorb liquids. Receptacles shall be provided with tight-fitting lids, doors, or covers which shall be kept closed when not in continuous use, during nonworking hours, and after they are filled.

B. There shall be a sufficient number of receptacles to hold all the garbage and refuse that accumulates between scheduled removal.

C. Soiled receptacles shall be cleaned at a frequency to prevent insect and rodent attraction and minimize odors. Liquid waste from compacting or cleaning operations shall be disposed of as sewage. Receptacles designed with drains shall always have the drain plugs in place, except during cleaning.

324.2 Storage Areas

A. Storage areas shall be of sufficient size to store all garbage and refuse and maintained clean.

B. Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, and washable materials.

C. Outside storage areas or enclosures shall have a smooth ground surface of nonabsorbent material, such as concrete or asphalt.

MANAGEMENT AND PERSONNEL

SECTION 325. CERTIFIED FOOD PROTECTION MANAGERS

A. All food facilities where TCS FOOD is prepared or handled in Allegheny County shall have at least 1 (one) Certified Food Protection Manager (CFPM) present and serving as the Person in Charge at all times when TCS food is being prepared or handled.

B. When there is more than one building or location involved, each location where food preparation occurs shall have a CFPM on site while operating.

C. The Department shall recognize certification programs including examinations developed under those programs that are evaluated and listed by an accrediting agency that has been recognized by the Conference for Food Protection as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Program.

Section 326. RESPONSIBILITIES AND SUPERVISION

326.1 General

The food facility operator shall develop and maintain written records and policies required by this Article and the MFC, to include, but not limited to:

1. Clean-up of vomiting and diarrheal events,
2. Time as Public Health Control in accordance with § 333.2,

3. Non-continuous cooking of raw animal-derived foods in accordance with § 333.3(D),
4. HACCP Plans in accordance with § 336 (if required),
5. Grease interceptor cleaning and service schedule, and
6. Major food allergen control plans.

326.2 Designation of Person in Charge

The food facility operator shall be the Person in Charge or shall designate a Person in Charge. A Person in Charge shall be present at the food facility during all hours of operation for Class II, Class III, and Class IV facilities.

326.3 Responsibilities of the Permit Holder regarding a Certified Food Protection Manager

A. All food facilities where TCS food is prepared or handled shall employ the number of CFPMs as required by § 325 of this article.

B. A new permit holder shall employ CFPM(s) within 90 days of the initial food permit issuance by the Allegheny County Health Department.

C. When the CFPM is no longer employed or is no longer acting as a CFPM at the food facility and the facility lacks at least 1 (one) CFPM, the permit holder shall employ a replacement CFPM within 30 days of the employment termination date. The permit holder shall notify the Department in writing within 5 working days that the facility lacks a Certified Food Protection Manager.

D. All food facilities shall maintain records of the names and certificate numbers of its CFPM(s) and make them available for inspection by the Department.

326.4 Duties of Person in Charge

The Person in Charge shall comply with the requirements of this Article by:

1. Having no high-risk violations during the current inspection; and upon request
2. Demonstrating to the Department knowledge of food safety practices, foodborne disease prevention, and application of the HACCP principles;
3. Being a CFPM as specified in § 325;
4. Ensuring that food workers are properly trained and employing good personal hygiene;
5. Being aware of the responsibility to report illness and exclude or restrict food workers accordingly, as specified in § 328;
6. Being aware of food allergens as it relates to their duties and training staff in proper processes and procedures; and

7. Reporting to the Department if the permit holder is unavailable or an emergency occurrence as stated in § 326.7.

326.5 Responsibilities of Certified Food Protection Managers

The CFPM shall maintain certification by demonstrating food safety knowledge by successfully completing the certification exam prior to the expiration date listed on the certificate.

326.6 Access

After the Department representative presents identification, the Person in Charge shall allow the Department to determine if the food facility is in compliance with this Article to which the Department is entitled under Act 315 by:

- A. Allowing access to the facility;
- B. Allowing inspection during hours of operation and other reasonable times during which the facility is not open; and
- C. Providing information and records relating to facility operations.

326.7 Emergency Occurrences

In the event of a fire, flood, sewage back-up, power outage of two (2) or more hours, lack of potable water, alleged foodborne or waterborne illness outbreak of two (2) or more people, a food worker with reportable symptoms or diagnoses specified in § 328, or similar event that might result in the contamination of food, the permit holder or the Person in Charge shall immediately contact the Department. Upon receiving notice of such an occurrence, the Department shall take appropriate actions to protect the public health, which include, but are not limited to, suspension and revocation of the food permit.

SECTION 327. PERSONAL CLEANLINESS AND FOOD WORKER PRACTICES

327.1 Handwashing and Glove Use

A. Food workers shall only wash their hands in designated handwashing sinks. Handwashing is not permitted in sinks used for food preparation, or for washing equipment or utensils.

B. All food workers engaged in food preparation, warewashing operations and service, shall thoroughly wash their hands and the exposed portions of their arms or surrogate prosthetic devices, with soap or a cleaning compound and warm running water for at least 20 seconds before starting work; donning gloves; after tobacco use; handling garbage or soiled TABLEWARE or kitchenware; coughing, sneezing, touching the mouth, nose, hair or any body part, except clean hands; eating; using the toilet; touching or caring for service animals or aquatic animals; before and after handling raw meat, raw poultry or raw seafood, or any other TCS food; and as often as is necessary during work to keep them clean.

C. Hands shall be thoroughly dried after washing utilizing single-use or disposable towels, a mechanical heated hand drying device, or a device that

employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.

D. The use of clean disposable gloves or hand antiseptics shall not be a substitute for hand washing. Hand antiseptics shall only be used in accordance with § 2-301.16 of the MFC and only applied to hands that are cleaned as specified in § 327.1(B).

E. Single-use disposable gloves shall be changed as often as necessary in accordance with the requirements for hand washing and used for only one task such as working with ready-to-eat food or with raw animal derived food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.

327.2 Tobacco, Electronic Cigarette Device Use, and Food Worker Dining

A. Food workers shall not use tobacco or electronic cigarette devices in any form while engaged in food preparation or service, while in areas used for food preparation or equipment and utensil washing areas.

B. Food worker dining shall be confined to designated areas, which will not result in contamination of food; clean equipment, utensils, unwrapped single-service and single-use articles; or other items needing protection.

327.3 Handling Tableware

Food workers shall handle soiled tableware in a way that minimizes contamination of their hands.

327.4 Clothing

The outer clothing of all food workers shall be clean. Aprons or other protective outer clothing used by food workers shall be removed prior to entering the toilet room.

327.5 Hair Restraints

Food workers shall effectively use hair restraints such as, but not limited to, hairnets, beard nets, headbands, and hats when necessary to prevent the contamination of food, clean equipment, utensils, unwrapped single-service and single-use articles, food-contact surfaces, and clean linens.

327.6 Fingernails

Food workers shall keep their fingernails trimmed and maintained, and not wear fingernail polish or artificial fingernails when working with exposed food, unless wearing intact gloves in good repair.

327.7 Jewelry

Except for a plain ring such as a wedding band, while preparing food, food workers may not wear jewelry including medical information jewelry on their arms and hands.

327.8 Tasting

Food workers shall only taste FOOD intended for the consumer using a clean utensil. A Food worker may not use a utensil more than once to taste food that is to be sold or served.

SECTION 328. INFECTED FOOD WORKER

328.1 General

A person infected with a disease or specific conditions to include, but not limited to, those listed below, shall be restricted or excluded from working in a food facility as directed by the Department.

328.2 Food Worker Exclusion

A. Food facilities shall exclude food workers from the food facility with any of the following diagnoses or symptoms:

1. Salmonella (nontyphoidal) and symptomatic with vomiting or diarrhea;
2. Typhoid fever within the past 3 months;
3. Shigella spp. and symptomatic with vomiting or diarrhea;
4. Shiga-toxin producing Escherichia coli (STEC) and symptomatic with vomiting or diarrhea;
5. Hepatitis A virus;
6. Jaundice with onset within seven (7) calendar days, unless the food worker provides to the Person in Charge written medical documentation from a health practitioner specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection; or
7. Vomiting or diarrhea from an infectious condition.

B. Food facilities that serve a Highly Susceptible Population shall also exclude food workers from the food facility for any of the following diagnoses or symptoms:

1. Norovirus;
2. Shigella;
3. Shiga-toxin producing E. coli.;
4. A sore throat with fever;
5. Acute onset of sore throat with fever; or
6. Jaundiced regardless of onset.

328.3 Food Worker Restriction

A. Food facilities shall restrict food workers from handling food or contacting clean food contact surfaces in the food facility with any of the following diagnoses or symptoms:

1. A skin lesion containing pus, boil, or infected wound that is open or draining and not properly covered;

2. Jaundice with onset more than seven (7) days, unless the food worker provides to the Person in Charge written medical documentation from a health practitioner specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection;
3. A sore throat with fever;
4. Shigella spp. infection;
5. Shiga-toxin producing Escherichia coli (STEC);
6. Nontyphoidal Salmonella; or
7. Amebiasis, until two consecutive negative stool samples are obtained.

B. Food facilities that serve a Highly Susceptible Population shall also restrict food workers for any of the following diagnosis or symptoms:

1. Nontyphoidal Salmonella; or
2. Exposed to a foodborne pathogen.

C. Food facilities may allow previously excluded food workers that meet the conditions below to return to the food facility for restricted duties only. Such food workers shall be restricted from handling food or contacting clean food contact surfaces in the food facility:

1. Asymptomatic for greater than 24 hours from symptoms of Shigella, or Shiga-toxin producing E. coli.;
2. Asymptomatic for at least 30 days after being symptomatic from non-Typhoidal Salmonella;
3. Asymptomatic for at least 24 hours after being symptomatic from Norovirus;

328.4 Procedure When Infection is Suspected

A. If the permit holder or Person in Charge of the facility has reason to believe that any food worker has contracted a communicable disease, or has become a carrier of such disease, the Department shall be notified immediately. The food worker shall be immediately excluded from the food facility or have their food handling duties restricted as stated in sections 328.2 and 328.3 above.

B. When the Department has reason to believe that there is the possibility of transmission of infection from any food facility food worker, the Director or their designee is authorized to require any or all of the following measures:

1. The immediate exclusion of the food worker from working in the food facility;

2. The immediate restriction of the food worker from working with exposed food; cleaning equipment, utensils, linens, and unwrapped single-service and single-use articles;
3. The immediate closing of the food facility until no further danger of disease outbreak exists;
4. Adequate medical examinations of the food worker and of their associates with such laboratory examinations as may be indicated.

C. The permit holder or Person in Charge and the food worker shall comply with disease control measures to include, but not limited to, exclusions and restrictions ordered by the Department.

D. A permit holder or the Person in Charge shall only remove or adjust exclusions or restrictions when notified by the Department that they may do so and in accordance with § 2-201.13 of the MFC.

328.5 Public Health Protection

The Department, upon the receipt of a report of a disease which is subject to isolation, quarantine, or any other control measure, shall carry out an investigation and the appropriate control measures in such manner and in such place as is provided by rule, regulation, or law.

FOOD SOURCES

SECTION 329. FOOD SUPPLIES

329.1 General

All food and beverages shall be obtained from an approved source and honestly presented; in sound condition; at required temperatures, and under refrigeration if applicable; free from spoilage, filth, adulterants, un-approved additives, temperature abuse, or other contamination; and shall be safe for human consumption. All processed foods shall be obtained from food processors that are inspected and licensed or permitted by a regulatory authority.

329.2 Special Requirements

A. Fluid and dry milk and milk products, including frozen, and cheeses, used, or served, or offered for sale shall be pasteurized and shall meet the standards as established by the PA Milk Sanitation Law (31 P.S. § 645-660g). Milk shall not be sold past the sell-by-date noted on the container and shall be received at 45°F or less.

B. Molluscan shellfish and fish shall be from an approved source according to law and the requirements specified in the U.S. Department of Health and Human Services, Public Health Service, FDA, National Shellfish Sanitation Program Guide for the Control of molluscan shellfish. Recreationally caught fish and shellfish shall not be offered for consumption. Molluscan shellfish shall be protected from contamination at all times and not commingled with shellfish stock with different tags or labels.

1. Shellstock shall be reasonably free from mud, dead shellfish, and shellfish with broken shells. Dead molluscan shellfish or shellstock with badly broken shells shall be discarded.

2. Shellstock shall be obtained in containers bearing legible source identification tags or labels that are attached by the harvester and each dealer.

(a) The harvester's tag or label shall contain information in the following order:

- 1) The harvester's identification number;
- 2) The date of harvesting;
- 3) The most precise identification of the harvest location, or aquaculture site, that includes the abbreviation of the name of the state or country in which harvested;
- 4) The type and quantity of molluscan shellfish; and
- 5) The following statement in bold, capitalized type:

**THIS TAG IS REQUIRED TO BE ATTACHED UNTIL
CONTAINER IS EMPTY OR RETAGGED AND
THEREAFTER KEPT ON FILE FOR 90 DAYS**

(b) The dealer's tag or label shall contain the following information in the following order:

- 1) The dealer's name and address, and the certification number including the abbreviation of the name of the state or country in which the molluscan shellfish are harvested;
- 2) The same information as specified for a harvester's tag; and
- 3) The following statement in bold, capitalized type;

**THIS TAG IS REQUIRED TO BE ATTACHED UNTIL
CONTAINER IS EMPTY OR RETAGGED AND
THEREAFTER KEPT ON FILE FOR 90 DAYS**

3. Raw shucked molluscan shellfish shall be obtained in nonreturnable packages which bear a legible label that identifies:

- (a) The name, address, and certification number of the dealer, shucker, packer, re-packer; and
- (b) The "sell-by" or "best if used by" date, or the date shucked, based upon size.

4. Shellstock and shucked molluscan shellfish shall be kept in the container in which they were received until used, repacked or sold. Shellstock and shucked molluscan shellfish may be removed from the original container for display purposes for servings upon a consumer's request if the labeling information is retained and, in the case of shucked shellfish, correlated to the date when the shellfish are sold or served. Each tag and/or corresponding record shall be kept for 90 days and be made available for inspection by the Department.

5. Molluscan shellfish and shellstock which do not bear a label or a label with the required information shall be subject to embargo or condemnation.

6. The repacking of shucked molluscan shellfish, breaking down of shellstock lots or shucking-repacking of shellfish shall be conducted in accordance with appropriate state and federal laws.

C. Only clean, whole eggs with shell intact and without cracks or checks; or pasteurized liquid, frozen, or dry eggs, or pasteurized dry egg products, shall be used, except that hard-boiled, peeled eggs, commercially prepared and packaged, may be used or offered for sale. Shell eggs shall be transported and received in containers or vehicles with an ambient air temperature of 45°F or below, and shall not be re-packaged. Eggs at a food facility shall be maintained at an internal temperature not to exceed 45°F until use, preparation or purchase by a consumer in accordance with the PA Egg Refrigeration Law (31 P. S. §§ 300.1–300.9).

D. Only ice that has been manufactured from an approved source of potable water and packaged and handled in a sanitary manner shall be used or offered for sale.

E. Pre-packaged juice, and beverages containing juice, shall be obtained pasteurized and from a processor with an HACCP system in place. Juice, and beverages containing juice, that are prepared and packaged on the premises must bear a warning label if not pasteurized, or otherwise treated, to attain a 5-log reduction of the most resistant microorganisms. The product must be labeled as specified in 21 CFR 101.17(G) with the following: "WARNING: This product has not been pasteurized and therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems."

F. Fish offered in raw or undercooked form as a ready-to-eat food shall meet the requirements for parasite destruction as specified in § 3-402.11 of the MFC. Records and proof shall be retained by the facility for at least 90 days after the sale of such items and be made available for inspection by the Department.

G. Food that is labeled frozen shall be received frozen and free from evidence of temperature abuse.

SECTION 330. FOOD PREPARED IN A PRIVATE HOME

Food prepared in home-style kitchen, residential-style kitchen, or a personal-use kitchen, regardless whether the location is on or off the actual residential property, shall not be sold for public consumption, unless the operation is approved by, and registered as a Limited Food Establishment with, the Pennsylvania Department of Agriculture (PDA) under the Pennsylvania Food Safety Act (3 Pa.C.S.A. §§ 5721 – 5737) for residential food service operations.

FOOD CONDITION

SECTION 331. FOOD PROTECTION

A. At all times, including while being stored, prepared, displayed, served, dispensed, packaged, or transported, food shall be protected from cross-

contamination between foods and from potential contamination by insects, rodents, , chemicals, unclean equipment and utensils, unnecessary handling, flooding, draining, and overhead leakage or condensation, sewage, or other agents of public health significance. The temperature of TCS food shall be maintained at 41°F or below, or 135°F or above, at all times, except as otherwise provided in this Article.

B. The traffic of unnecessary persons through the food preparation, food storage, and warewashing areas is prohibited.

SECTION 332. FOOD STORAGE

332.1 General

Food, whether raw, cooked or prepared, if removed from the package or container in which it was obtained, shall be stored in a clean covered container except during necessary periods of preparation or service. Food in the process of cooling and whole unprocessed raw fruits and vegetables may be stored uncovered, provided they are adequately protected from contamination. Container covers shall be impervious and non-absorbent, except that clean linens or napkins may be used for lining or covering bread or roll containers. Quarters or sides of meat may be hung uncovered on clean sanitized hooks if no food product is stored beneath the meat.

332.2 Containers and Location

Containers of food shall be stored a minimum of 6 inches above the floor, in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area, except that:

A. Metal pressurized beverage containers, and cases of food packaged in cans, glass or other impervious containers need not be elevated when the food container or cases are not exposed to floor moisture; and the storage area is kept clean and free of moisture.

B. Containers may be stored on dollies, racks or pallets, provided such equipment can be easily moved by hand or with the use of readily available pallet-moving equipment. Equipment, pallets, and storage areas must be kept clean.

C. Food and containers of food shall not be stored under exposed or unprotected sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law. The storage of food in toilet rooms and their vestibules, garbage rooms, locker rooms or mechanical rooms is prohibited.

D. Food not subject to further washing or cooking before serving shall be stored in a way that protects it against cross-contamination from food requiring washing or cooking. Raw animal-derived TCS food must be stored below ready-to-eat foods. Raw foods which require higher cooking temperatures shall be stored below or separate from foods requiring lower cooking temperatures. Frozen, commercially processed and packaged raw animal derived food may be stored or displayed with or above frozen, commercially processed and packaged, ready-to-eat food provided it remains in a frozen state before and during placement.

E. Packaged food shall not be stored in contact with water or undrained ice. Loosely wrapped ready-to-eat food shall not be stored in direct contact with ice.

F. Bulk food including, but not limited to cooking oil, syrup, salt, sugar, or flour not stored in the original product container or package in which it was obtained, shall be stored in a container identifying the food by its common English name.

332.3 Refrigerated and Frozen Storage

A. Satisfactory number of conveniently located refrigeration units or effectively insulated units shall be provided to assure the maintenance and cooling of TCS food at required temperatures. Each refrigerated unit storing TCS food shall be provided with a numerically scaled indicating or recording thermometer, accurate to $\pm 1.5^{\circ}\text{C}$, if scaled in Celsius or dually scaled in Celsius and Fahrenheit, or $\pm 3^{\circ}\text{F}$, if scaled in Fahrenheit only, and located to measure the air temperature in the warmest part of the unit and located to be easily readable. Where it is impractical to install thermometers in equipment such as insulated food transport carriers or ice chest, a clean product thermometer must be available and used to check internal food temperature.

B. The internal temperature of TCS food requiring refrigeration shall be at or below 41°F .

C. TCS food in a homogenous liquid form may be held outside of the temperature control requirements while contained within specially designed equipment that maintains the safety of aseptically packaged fluid foods and complies with the design and construction requirements of the NSF/ANSI Standard 18, "Manual Food and Beverage Dispensing Equipment".

D. Stored frozen food shall be maintained frozen.

E. Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers, or food utensils, except that such ice may be used for cooling cold plates that are constructed within an ice storage bin.

332.4 Hot Storage

A. Satisfactory number of conveniently located hot food storage units shall be provided to assure the maintenance of TCS food at the required temperature during storage. Each hot food unit storing TCS food shall be provided with a numerically scaled or recording thermometer, accurate to $\pm 1.5^{\circ}\text{C}$, if scaled in Celsius or dually scaled in Celsius and Fahrenheit, or $\pm 3^{\circ}\text{F}$, if scaled in Fahrenheit only, and located to measure the air or water temperature in the coolest part of the unit and located to be easily readable. Where it is impractical to install thermometers on equipment such as bains-marie, steam tables, steam kettles, heat lamps, or insulated food transport carriers, a clean product thermometer must be available and used to check internal food temperature.

B. The internal temperature of TCS food requiring hot storage shall be 135°F or greater, except roasts meeting cooking criteria may be held at 130°F or above.

332.5 Date Marking of Food

Ready-to-eat TCS food prepared and held refrigerated for more than 24 hours in a retail food facility shall be clearly marked at the time of preparation to indicate the date by which the food shall be consumed on the premises, sold or discarded, which is, including the day of preparation, seven (7) days or less from the day the food is prepared, if the food is maintained at 41°F or less. The day of preparation shall be counted as "Day 1."

SECTION 333. FOOD PREPARATION

333.1 General

A. Food shall be prepared with minimal hand contact, with suitable utensils, and on surfaces that have been cleaned, rinsed and sanitized to prevent cross-contamination prior to use.

B. Food workers shall not contact exposed, ready-to-eat food with their bare hands, and shall use suitable utensils, such as deli tissue, spatulas, tongs, single-use gloves or dispensing equipment.

C. Each time there is a change in processing between raw meats, poultry, and seafood, or between raw and ready-to-eat foods, each new operation shall begin with food-contact surfaces and utensils which have been cleaned, rinsed, and sanitized.

333.2 Raw Fruits and Raw Vegetables

A. Raw fruits and vegetables shall be thoroughly washed with potable water before being cooked, cut, served, or offered for human consumption in ready-to-eat form.

1. Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315.

2. Ozone as an antimicrobial agent used in the treatment, storage, and processing of fruits and vegetables shall meet the requirements specified in 21 CFR 173.368.

B. Raw fruits and raw vegetables considered TCS food according to the FDA must be temperature controlled and held at 41°F or below. Such foods include, but are not limited to: cut melons, cut tomatoes, and cut leafy greens, and raw seed sprouts. C. Sulfiting agents may not be applied to fresh fruits and vegetables intended for raw consumption, except for grapes if treated with sulfiting agents before receipt by the food facility.

333.3 Cooking Time and Temperature Controlled for Safety Food

A. TCS food requiring cooking shall be cooked to heat all parts of the FOOD to a temperature of 145°F or above for 15 seconds, except that:

1. Poultry; stuffed products such as POULTRY, meats, fish, or pastas; stuffing containing poultry, meat, or fish; baluts, and wild game animals shall be cooked to heat all parts of the FOOD to 165°F or above for < 1 second (instantaneous).

2. Ground , mechanically tenderized, and injected meats; comminuted meat and fish, such as gyros, sausage, and gefilte fish; , comminuted

commercially raised and inspected game; ratites; or eggs, unless cooked for one consumer's serving at a single meal and served immediately, shall be cooked to heat all parts of the food to 155°F for 17 seconds, or in accordance to the cooking times and temperatures in table 333.3(A)2.

3. Whole beef roasts, pork roasts, and lamb roasts shall be cooked to an internal temperature of 145°F for 4 minutes or to 130°F for 112 minutes. Alternative cooking times and temperatures may be approved by the Department. Beef steak shall be cooked on both the top and bottom to a surface temperature of 145°F or above, and cooked to achieve a color change on all external surfaces, provided it is whole muscle, intact, and not offered to a highly susceptible population.

B. Raw animal products cooked in a microwave oven shall be rotated during cooking to compensate for uneven heat distribution, covered to retain surface moisture, heated to a temperature of at least 165°F in all parts of the food, and allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

C. Raw fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of at least 135°F.

D. Raw animal derived foods that are cooked using a non-continuous cooking process that does not initially reach the required final cooking time and temperature combination shall be:

1. Subject to an initial heating process that is not more than 60 minutes in duration,
2. Immediately after initial heating, cooled safely in accordance with § 333.5 of this Article and then stored cold or frozen in accordance with § 332.3(B) of this Article, and
3. Prior to service to the consumer, cooked in accordance with paragraphs 333.3(A)-(B) of this Article, and prepared and stored according to written procedures that have been reviewed and pre-approved by the Department.

333.4 Raw or Undercooked Animal Derived Food

A. If animal derived food, such as beef, eggs, fish, lamb, milk, pork, poultry or shellfish, that is raw or undercooked is offered ready-to-eat or upon consumer request, the permit holder shall inform consumers by written disclosure and reminder:

1. Written disclosure is satisfied when:
 - (a) Items are described, such as:
 - (1) Oysters on the half-shell (raw oysters),
 - (2) Raw-egg Caesar salad, and
 - (3) Hamburgers (can be cooked to order); or
 - (b) Items are asterisked to a footnote that states that the items:

- (1) Are served raw or undercooked, or
- (2) Contains (or may contain) raw or undercooked ingredients.

2. Written reminder is satisfied when the items requiring Disclosure are asterisked to a footnote that states:

- (a) "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness"; or
- (b) "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions"; or
- (c) "Information regarding the safety of these items, written information is available upon request".

B. Food facilities that serve a highly susceptible population, as defined in this Article, shall not serve raw or undercooked animal derived food.

C. Food facilities shall not offer raw or undercooked comminuted meat for selection from a children's menu.

333.5 Cooling Time and Temperature Controlled for Safety Food

A. Cooked TCS food requiring refrigeration after preparation shall be monitored and rapidly cooled:

1. Within 2 hours from 135°F to 70°F; and
2. Within a total of 6 hours from 135°F to 41°F, for a total cooling time not to exceed (6) six hours.

B. TCS food prepared from ingredients at ambient temperature shall be cooled within 4 hours to 41°F or less.

C. TCS food shall be rapidly cooled, utilizing one or more of the following methods, based on the type of food being cooled:

1. Placing of foods in shallow metal pans under refrigeration and limiting the depth of foods dependent upon thickness/density of the foods;
2. An ice water bath where the bath is at least to the level of the food in the container and the food is frequently stirred;
3. Portioning food items into smaller or thinner pieces and placing under refrigeration; and
4. Other approved means such as blast chillers, cooling wands, or adding ice as an ingredient to a condensed food.

D. Cooling foods shall be arranged in the cooling equipment to provide maximum heat transfer through the container walls, and loosely covered, or left uncovered while cooling. Cooling of foods shall be conducted in an environment which will protect the food from contamination.

E. Cooling temperatures shall be monitored and documented. Cooling documents shall be maintained on-site for 30 days and made available for inspection.

333.6 Reheating for Hot Holding

A. Previously cooked TCS food shall be rapidly reheated within two hours to 165°F or higher for 15 seconds throughout all parts of the FOOD before being served, or before being placed in a hot storage unit. Steam tables, bains-marie, warmers, and similar hot food holding equipment are prohibited for the rapid reheating of TCS food, unless such procedures are demonstrated as meeting safety requirements.

B. Commercially processed ready-to-eat food that has been packaged in a processing plant shall be reheated to a minimum of 135°F for 15 seconds. Once the container or package is opened, the food must be reheated to 165°F for 15 seconds.

C. Remaining unsliced portions of meat roasts may be reheated for hot-holding using APPROVED oven parameters and time/temperature conditions.

D. When a microwave oven is used, food temperatures shall be taken throughout the food to assure a reheat temperature of 165°F for 15 seconds, except where noted above in B, and shall be rotated or stirred, and be allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

E. Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer request may be served at any temperature.

333.7 Thawing Time and Temperature Controlled for Safety Food

TCS food shall be thawed:

1. In refrigerated units at a temperature not to exceed 41°F;
2. Completely submerged under potable running water at a temperature of 70°F or below, with sufficient water velocity to agitate and remove loose food particles into the overflow, and for a period of time that does not allow thawed portions of:
 - (a) Ready-to-eat food to rise above 41°F;
 - (b) Raw animal-derived food, requiring cooking, to rise above 41°F for more than 4 hours that includes the time needed for preparation and cooking;
3. In a microwave oven only when the food will be immediately transferred to conventional cooking equipment as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven;
4. As part of the conventional cooking process;

5. Using any procedure if the frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order; or
6. In the case of reduced oxygen packaged fish, removed from the reduced oxygen environment prior to thawing.

333.8 Highly Susceptible Populations

In food facilities that serve food to a highly susceptible population:

A. Pasteurized shell eggs or pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for raw shell eggs in the preparation of:

1. Foods such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages.

B. Unpasteurized liquid, frozen, dry, or shell eggs and other egg products shall only be used when:

1. Combining raw eggs as an ingredient immediately before baking followed by thorough cooking;
2. Combining raw eggs immediately before cooking for one serving at a single meal, followed by thorough cooking; or
3. Preparing eggs under an approved HACCP Plan that includes control and destruction of Salmonella Enteritidis.

C. Non TCS foods in uncompromised intact packaging may be re-served, provided the food is not being served to or received from patients or clients who are in medical isolation or quarantine, or protective environment isolation.

D. Pre-packaged juice or a pre-packaged beverage containing juice that is not pasteurized, which bears a warning label, shall not be served or offered for sale. Un-packaged juice that is prepared on the premises shall be processed under an approved HACCP Plan. For the purposes of this paragraph only, children who are age 9 or less and receive food in a school, daycare, or similar facility, are included as highly susceptible populations.

E. The following foods may not be served or offered for sale in a ready-to-eat form:

1. Raw animal-derived foods such as raw fish, raw-marinated fish, raw molluskan shellfish, and steak tartare;
2. A partially cooked animal-derived food such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw shell eggs, and meringue; and
3. Raw seed sprouts.

333.9 Food Processors

A. All food manufacturing, including packaging and storage, shall be conducted under such conditions and controls necessary to minimize the potential for the growth of microorganisms, or the contamination of food.

B. Food that can support the rapid growth of undesirable microorganisms, particularly those of public health significance, shall be held in a manner that prevents the food from becoming adulterated. Compliance with this requirement may be accomplished by effective means, including, but not limited to:

1. Maintaining refrigerated foods at 45 °F (7.2 °C) or below as appropriate for the particular food involved;
2. Maintaining frozen foods in a frozen state;
3. Maintaining hot foods at 140 °F (60 °C) or above;
4. Heat treating acid or acidified foods to destroy mesophilic microorganisms when those foods are to be held in hermetically sealed containers at ambient temperatures; or
5. Other laboratory proven methods.

SECTION 334. FOOD DISPLAY AND SERVICE

334.1 Time and Temperature Controlled for Safety Food

TCS food shall be kept at an internal temperature of 41°F or below or at an internal temperature of 135°F during display and service, except that roast beef may be held for service at a temperature of no less than 130°F.

334.2 Time as a Public Health Control

A. If time only, rather than time in conjunction with temperatures of 41°F or below or at a temperature of 135°F or above, is used as the public health control for a working supply of TCS food before cooking, or for ready-to-eat TCS food that is displayed or held for sale or service for immediate consumption:

1. The food shall be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the FOOD is removed from temperature control;
2. The food shall be cooked and served, served if ready-to-eat, or discarded, within 4 hours from the point in time when the FOOD is removed from temperature control;
3. The food in unmarked containers or packages, or marked to exceed a 4-hour limit, shall be discarded; and
4. Written procedures shall be prepared in advance, maintained in the food facility, and made available to the Department upon request.

B. If time without temperature control is used for up to a maximum of 6 hours, all steps in 334.2A apply, however, the food temperature must be continually

monitored, have an initial temperature of 41°F or below, and may not exceed 70°F during the 6-hour period.

C. In a food facility that serves a highly susceptible population time only, rather than time in conjunction with temperature, may not be used as the public health control for raw eggs.

334.3 Display Equipment

A. Food on display shall be protected from consumer contamination by being packaged; or by easily cleanable sneeze guards for counters, service lines, or salad bars; or by cabinets for self-service; or by similar protective equipment. Exceptions to this subsection include whole unprocessed raw fruits, raw vegetables, and nuts in the shell that are displayed for sale and are intended for hulling, peeling, or washing by the consumer before consumption.

B. A sufficient number of hot or cold food holding units shall be provided to assure the maintenance of TCS food at the required temperature during display.

C. Food shall not be provided for consumer self-service other than at a properly protected and monitored self-service operations such as a buffet or salad bar.

334.4 Pre-Set and Self-Service Tableware

A. Pre-set tableware shall be protected from contamination by being pre-wrapped, covered or inverted, unless the settings are removed when a consumer is seated, or the settings are cleaned and sanitized before use.

B. Unwrapped utensils at self-service locations shall be protected from contamination and be presented with the handle of the utensil to the consumer.

334.5 Re-Use of Tableware

A. Reuse of soiled TABLEWARE is prohibited. Clean plates, bowls, and/or single-service Articles must be used each time a patron returns to the service area. beverage cups and glasses are exempt from this requirement if it is a contamination-free process as specified in § 4-204.13(A), (B), and (D) of the MFC.

B. Food facilities shall post a sign prohibiting the reuse of plates or bowls by patrons in salad bar or similar self-service areas.

334.6 Dispensing Utensils

A. To avoid bare hand contact with food, suitable and sufficient dispensing utensils and/or single-service articles shall be used by food workers or provided to consumers who serve themselves as in bulk food sales, buffets, or at salad bars.

B. Between uses, dispensing utensils shall only be stored:

1. In the food with the handle extended out of the food; or

2. Clean and dry if properly cleaned and sanitized every 4 hours; or
3. In running potable water of sufficient velocity to flush food particles to the drain; or
4. In water that is maintained at a temperature of 135°F or greater and free of food residue accumulation.

334 .7 Condiment Dispensing

A. Sugar, condiments, seasonings, and dressings for self-service, table, or counter service shall be provided in individual packages; from dispensers; or from containers protected in accordance with this Article.

B. Condiments may be served in the original container designed for dispensing or from a pour-type dispenser if the container is closed between uses.

334.8 Ice Dispensing

A. Ice for consumer use shall be dispensed with scoops, tongs, or other ice dispensing utensils or through automatic self-service ice dispensing equipment. Self-service ice must be protected from patron contamination.

B. Ice dispensing utensils for use by food workers shall be stored on a clean surface or in an ice storage bin with the handle of the utensil extending out of the ice. No utensil shall be stored inside an ice making machine unless the machine is equipped for its storage.

C. Between uses, ice transfer receptacles shall be stored off the floor in a way that protects them from contamination.

D. Ice making machines and storage bins shall be drained through plumbed pipes with an air gap according to the Allegheny County Health Department Article XV, "Plumbing Code".

334.9 Re-Service of Food

Once served or sold to a consumer, unused portions or left-over food, shall not be served again to another consumer. However, non-TCS packaged food, such as, but not limited to, crackers and condiment packages, that are still packaged, and is still in sound condition, may be re-served.

334.10 Bulk milk

Bulk milk container dispensing tubes shall be cut diagonally leaving no more than one-inch protrusion from the chilled dispensing head.

SECTION 335. DONATION OF FOODS

Once served or sold to a consumer, unused portions of or left-over food, shall not be offered as food for human consumption except as otherwise provided in this section.

335.1 Previous service

A. Packaged TCS foods, such as unopened milk, may be re-served or donated if immediately stored and maintained at 41° Fahrenheit or below.

B. The following food products may be re-served or donated.

1. Packaged non-TCS foods.
2. Whole fruit, such as apples or bananas.

335.2 Unpackaged and unserved foods.

Unpackaged and unserved foods may be donated if the following requirements are met.

A. The temperature of the food is at or below 41° Fahrenheit, or an ambient temperature of 45° Fahrenheit for raw shell eggs, at the time of donation, and is protected from contamination;

B. The food has been at or above 135° Fahrenheit during hot holding and service, and subsequently refrigerated to meet the time and temperature requirements in § 332.3, or maintained at proper holding temperatures required in § 332.4;

C. The donor can substantiate that the food recipient has the facilities to meet the transportation, storage, and reheating requirements of this section; and

D. The food is to be transported by the food recipient directly to a consumer, the recipient only needs to meet the transportation requirements in this section, including holding temperatures.

335.3 Labeling

Donated foods transported offsite shall be labeled with the name of the food, the source of the food, the date of preparation, and the discard date.

335.4 Shelf Life

Donated TCS foods may not exceed the shelf life for leftover foods outlined in § 332.5.

335.5 Damaged Foods

Heavily rim or seam-dented canned foods, or packaged foods without the manufacturer's complete labeling shall not be donated.

335.6 Distressed Foods

Foods which are considered distressed, such as foods which have been subjected to fire, flooding, excessive heat, smoke, radiation, other environmental contamination, or prolonged storage shall not be directly donated to the consumer. Such foods may be sold or donated to a permitted food salvage facility.

SECTION 336. FOOD TRANSPORTATION

336.1 General

The requirements for storage, display, and general protection against contamination, as contained in this Article shall apply in the transporting of all food from a food facility to another location for service, catering, or donation. All TCS food shall be kept at 41°F or below, or 135°F or above, during

transportation. Adequate equipment must be used for maintaining food product temperatures.

336.2 Food Protection

During its transportation from a food facility to another location, food and food contact surfaces shall be kept in covered containers or be completely wrapped or packaged to be protected from contamination.

336.3 Warehouse and wholesale distribution

Storage and transportation of food shall be under conditions that will protect food against physical, chemical, and microbial contamination as well as against deterioration of the food and the container in accordance with 21 CFR § 110.93.

SECTION 337. SPECIALIZED PROCESSES AND HAZARD ANALYSIS CRITICAL CONTROL POINT PLANS

337.1 General

Food facilities applying specialized processing methods, as listed below, shall comply with the requirements of this Article and shall adhere to the requirements listed in this Section. A written HACCP Plan shall be required to be submitted for approval prior to engaging in a specialized processing method, a process determined by the Department requiring a HACCP Plan, or as required by 21 CFR § 117. Written approval from the Department shall be obtained in all cases, be product specific and shall be retained at the facility for review at any time by the Department or appropriate regulatory authority. Specialized processing methods include:

- A. Smoking food as a method of food preservation;
- B. Curing food;
- C. Using food additives or adding components such as vinegar:
 - 1. As a method of food preservation, or
 - 2. To render a food so that it is not TCS food;
- D. Packaging food using a modified atmosphere packaging method;
- E. Operating a molluscan shellfish life-support system display tank that is used to store or display shellfish that are offered for human consumption;
- F. Custom processing animals, such as deer;
- G. Growing and harvesting seed or bean sprouts;
- H. Freezing fish for raw, raw-marinated, partially cooked, or marinated-partially cooked consumption;
- I. Packaging juice to attain a 5-log reduction of microorganisms; and

J. Preparing food by any another method that is determined by the Department to require prior approval.

337.2 HACCP Plan Contents

HACCP Plans, when required, shall include the following:

A. General information such as the name and address of the food facility, permit holder's contact information, and specialized equipment used.

B. A categorization of the types of foods that are to be controlled under the HACCP Plan.

C. A flow diagram or chart by specific food or category type, identifying Critical Control Points (CCP) and providing information on the following:

1. Ingredients, materials, packaging supplies and equipment used in the preparation of that food;
2. Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;
3. The product labeling system;
4. List the food safety hazards that are reasonably likely to occur, as identified in the Hazard Analysis.

D. A food worker and supervisory training plan that addresses the food safety issues of concern.

E. A CCP summary for the plan under consideration that clearly identifies the following:

1. Each CCP.
2. The significant hazard for each CCP.
3. The critical limits for each CCP.
4. The method and frequency for monitoring and controlling each CCP by the food worker designated by the Person in Charge.
5. The method and frequency for the Person in Charge to routinely verify that the designated food worker is following standard operating procedures and monitoring CCPs.
6. Corrective action plans that have been developed to be followed in response to deviations from critical limits at CCPs.
7. Records to be maintained by the Person in Charge to demonstrate that the HACCP Plan is properly operated and managed.
8. Standard Sanitation Operational Procedures (SSOP) that describe the procedures along with the frequency for cleaning and sanitizing food-contact surfaces and equipment.

G. Additional scientific data or other information, as required by the Department, supporting the determination that food safety is not compromised by the proposal.

337.3 Reduced oxygen packaging (ROP) or Modified Atmosphere Packaging (MAP)

A. A retail food facility that packages food using a ROP or MAP method shall ensure that there are at least two barriers in place to control the growth and toxin formation of *Clostridium botulinum* and the growth of *Listeria monocytogenes*.

B. A retail food facility that packages food using a ROP or MAP method shall have an HACCP Plan that requires that the packaged food, as the primary barrier, be maintained at 41°F or less, and that meets the following criteria:

1. Identifies the food to be packaged.
2. Has the secondary barrier that complies with one of the following:
 - (a) Has an a_w of 0.91 or less;
 - (b) Has a pH of 4.6 or less;
 - (c) Is a meat or poultry product cured at a food facility/ establishment regulated by U.S. Department of Agriculture (USDA) using substances specified in 9 CFR 424.21 (relating to use of food ingredients and sources of radiation), and is received in an intact package;
 - (d) Is a FOOD with a high level of competing organisms, that prohibit the growth of pathogenic bacteria, such as raw meat, raw poultry or raw vegetables; or
3. Describes how the packages shall be prominently and conspicuously labeled on the principle display panel in bold type on a contrasting background, with instructions to do the following:
 - (a) Maintain the food at 41°F or below;
 - (b) Discard the food within 30 calendar days of its packaging if it is not served for on-premises consumption, or it is not consumed if served or sold for off-premises consumption;
4. Limits the refrigerated shelf life to no more than 30 calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell-by" or "use-by" date, whichever occurs first;
5. Includes operational procedures that:
 - (a) Prohibit contacting ready-to-eat food with bare hands;
 - (b) Identify a designated work area and the method by which there are physical barriers or methods of separation of raw foods and ready-to-eat foods to minimize cross contamination, and by which access to the processing equipment is limited to responsible trained personnel familiar with the potential hazards of the operation; and

- (c) Prohibit interruption of the packaging process;
- (d) Delineate cleaning and sanitation procedures for food-contact surfaces prior to use; and

6. Describes the training program that ensures that the individual responsible for the ROP operation understands concepts and procedures required for a safe operation.

C. A retail food facility may not package fish using ROP unless the fish is frozen before, during and after packaging. ROP fish shall be labeled to be cooked from the frozen state or to be removed from the reduced oxygen environment prior to thawing;

D. A retail food facility that packages food using a cook-chill or sous vide process shall:

1. Implement an HACCP Plan that contains the information as specified in § 336.2;

2. Ensure the food is:

- (a) Prepared and consumed on the premises, or prepared and consumed off the premises but within the same business entity with no distribution or sale of the bagged product to another business entity or the consumer;
- (b) Cooked to heat all parts of the food to a safe temperature unless covered by a consumer advisory;
- (c) Protected from contamination before and after cooking;
- (d) Placed in a package or bag with an oxygen barrier and sealed before cooking, or placed in a package or bag and sealed immediately after cooking and before cooling to a temperature below 135°F;
- (e) Cooled to 41°F or below in the sealed package or bag using a safe procedure and:

1) Cooled to 34°F within 48 hours of reaching 41°F and held at that temperature until consumed or discarded within 30 days after the date of preparation;

2) Held at 41°F or less for no more than 7 days, at which time the FOOD must be consumed or discarded; or

3) Held frozen with no shelf life restriction while frozen until consumed or used.

(f) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily;

(g) Transported in refrigeration that is equipped with verifiable electronic monitoring devices to ensure that times and temperatures are continuously monitored when transported off-site to a satellite location of the same business entity; and

(h) Labeled with the product name, the date packaged, and the discard date if not frozen.

3. Maintain the records required to confirm that cooling and cold holding refrigeration time/temperature parameters are met as part of the HACCP Plan, and that the records are:

- (a) Made available to the regulatory authority upon request, and
- (b) Held for at least 6 months; and

4. Ensure written operational procedures and a training program as specified are implemented.

E. A retail food facility that packages cheese using a ROP method shall:

1. Limit the cheeses packaged to those that are commercially manufactured in a food processing plant with no ingredients added by the food facility and that meet the Standards of Identity as specified in 21 CFR 133.150 (Hard cheeses); 21 CFR 133.169 (Pasteurized process cheese) or 21 CFR 133.187 (Semisoft cheeses);

2. Have a HACCP Plan;

3. Label the package on the principal display panel with a "use by" date that does not exceed 30 days or the original manufacturer's "sell by" or "use by" date, whichever occurs first; and

4. Discard the ROP cheese if it is not sold for off-premises consumption or consumed within 30 calendar days of its packaging.

F. A HACCP Plan is not required when a retail food facility uses a ROP method to package TCS food that is always:

1. Labeled with the production time and date,

2. Held at 41°F or less during refrigerated storage, and

3. Removed from its package in the food facility within 48 hours after packaging.

337.4 U.S.D.A. Process Exemption

Meat and poultry products, cured under U.S.D.A. inspection or a state program equal to U.S.D.A., with a nitrite level of at least 120 PPM and a brine concentration of at least 3.5% are exempt from the safety barrier verification requirements.

337.5 Microbiological Testing

Microbiological testing of product may be required if an existing or potential problem is identified.

337.6 Documentation of HACCP Plans

The HACCP Plan shall be signed and dated, either by the Person in Charge at the food facility or by the permit holder. This signature shall signify that the HACCP Plan has been accepted for implementation by the food facility after approval from the Department. The HACCP Plan shall be dated and signed:

1. Upon initial acceptance by the food facility;
2. Upon any modification; and
3. Upon reassessment of the adequacy of the HACCP Plan by the food facility.

337.7 Other Agency Jurisdiction

Food facilities within Allegheny County under the jurisdiction of Federal agencies such as, but not limited, to the USDA or the FDA, or Commonwealth of Pennsylvania agencies, shall follow the HACCP Plan rules and regulations issued by the agency having jurisdiction. The food facility must be able to provide HACCP Plan records and documentation upon request for official review by the Department.

SECTION 338. EXAMINATION, CONDEMNATION AND EMBARGO OF FOOD

The Department may examine food or collect samples of such food as often as deemed necessary for enforcement of this Article. The Department may condemn and forbid the sale of, or cause to be removed or destroyed, any food or beverage which is unsafe, from unapproved sources including sources that cannot be verified, unwholesome or adulterated. Condemned food shall be disposed of properly under the direction of the Department. Food subject to a hold order (Embargo notice) shall remain under conditions specified in the official notice; shall be tagged or labeled; and shall not be used, served or removed from the food facility until released by the Department. The Department shall permit storage of the food under conditions specified in the Embargo notice.

SPECIAL FOOD SERVICE FACILITIES

SECTION 339. MOBILE FOOD FACILITIES

339.1 General

A. Mobile food facilities shall comply with the requirements of sections 312 and 313 and all other applicable sections of this Article. Based on the limitations of the mobile food facility, the Department may impose additional requirements such as, but not limited to, menu modification or preparation restrictions, in order to protect against health hazards.

B. All mobile food facilities shall display a valid "Inspected and Permitted by the Allegheny County Health Department" placard issued by the Department. The placard shall be displayed in a place conspicuous to the public, at patron points of service.

C. Mobile food facilities shall not serve food with reusable utensils or on reusable articles.

D. All mobile food facilities, except those only providing prepackaged food or beverages that are dispensed from covered containers or other protected equipment, must comply with the requirements of this Article pertaining to water and wastewater systems.

E. The operator of the mobile food facility must submit to the Department a current copy of the State Registration of the vehicle, approved commissary documentation, and upon request of the Department, a current list of the proposed food service locations and approximate arrival times to those locations. Documents must be updated yearly.

339.2 Commissary

A. Mobile food facilities shall operate from a permitted commissary or other permitted fixed food facility. The mobile food facility shall physically report as required to such location for all food, potable water, waste disposal, warewashing, and other cleaning and servicing operations.

B. The commissary or other fixed food facility for mobile food facilities shall be constructed and operated in compliance with the requirements of this Article.

C. The commissary shall be inspected no less than once per year, or as deemed necessary by the Department, and the mobile food facility should be present for the inspection.

D. A commissary visit log must be maintained at the commissary and made available upon request.

E. If the commissary of a mobile food facility is located outside Allegheny County, the operator must show proof, at time of inspection, that the commissary possesses a valid license or food permit, and has had a satisfactory recent inspection in the past 18 months from the appropriate regulatory authority for that location.

339.3 Mobile Food Unit: Potable Water and Water System

A. A mobile food facility shall have potable water in accordance with § 319 of this Article. The water system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, warewashing, and handwashing.

B. A mobile food facility potable water tank and water system shall conform to the MFC standards. The water system shall be under pressure, constructed using safe materials, and properly installed. The potable water tank shall be sloped to an outlet that allows complete draining.

C. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be protected by a cap on a keeper chain, except while being filled. The water inlet shall be provided with a transition connection of $\frac{3}{4}$ inch or less inner diameter and be of a type that will prevent its use for any other service.

D. Potable water shall be supplied through a food grade hose solely dedicated for such purpose.

E. The potable water system on a mobile food facility must be properly maintained at all times. The water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse greater than 24 hours.

339.4 Mobile Food Unit: Waste Retention

A. Liquid waste shall not be discharged from the retention tank when the mobile food facility is in motion. Sewage and other liquid wastes shall be removed from a mobile food facility at an approved waste servicing area in such a way that a public health hazard or nuisance is not created.

B. Wastewater shall be stored in a permanently installed retention tank that is of at least 15 percent larger capacity than the water supply tank and be sloped to drain.

C. The connections on the vehicle for servicing mobile food facility waste disposal facilities shall be at least 1-inch inner diameter and equipped with a shut-off valve. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

339.5 Mobile Food Unit: Fuel and Power Sources

All cooking equipment and fuel sources shall be installed, operated, and maintained according Pennsylvania State Law.

SECTION 340. TEMPORARY AND SEASONAL FOOD FACILITIES

340.1 General

A. Temporary food facilities and seasonal food facilities shall comply with the requirements of this Article except as otherwise provided in this section. Based on the limitations of the temporary or seasonal food facility, the Department may impose additional requirements such as, but not limited to, menu modification or preparation restrictions, in order to protect against health hazards.

B. No TCS food stored or prepared in a private home or an unpermitted food facility may be sold in a temporary or seasonal food facility.

340.2 Ice as Temperature Control

If ice is to be used for temperature control the following criteria must be met:

1. Ice used for holding food or Beverages shall not be used for human consumption.
2. Loosely wrapped foods shall not be in direct contact with ice or accumulated water.
3. There shall be a sufficient supply to maintain TCS-food at 41°F or less.

340.3 Water Supply

A. A readily available supply of water from an approved source shall be provided at all times to the event location.

B. A minimum of ten (10) gallons of water from an approved source for hand washing, utensil washing, and general cleaning shall be kept at each temporary food facility. This water must be stored in an approved covered container and poured from a dispensing spout.

C. In the case where hot water is not available to the site, an adequate means of heating water shall be provided by the operator.

D. When only pre-packaged TCS food is sold, the requirements under §§ 306, 340.4(B) and 340(C) will be waived.

340.5 Cleaning and Sanitizing Equipment

A. Adequate facilities shall be set up for cleaning and sanitizing food-contact surfaces and utensils. In the absence of a three-compartment sink, three containers of adequate volume must be utilized in the following sequence: wash (hot, soapy water), rinse (clear water), and sanitize (approved sanitizer and water).

B. Containers shall be stored off the ground and shall be adequately protected.

C. An approved sanitizer must be on the site and used in the above manner at all times.

D. All utensils and equipment must be air dried.

340.6 Handwashing

A. Handwashing facilities shall be provided at all temporary food facilities. Acceptable handwashing methods include the use of:

1. Clean running water drawn from a dispensing spout, with soap and single-service towels, and a wastewater collection container. Rinsing of hands in sanitizer or standing water is not approved; or

2. Readily available moist towelettes containing an approved antiseptic agent when food exposure and handling is limited to prepackaged foods only.

340.7 Sewage and Wastewater

A. Containers of adequate capacity with tight-fitting lids shall be provided for retention of all wastewater prior to disposal.

B. All wastewater shall be disposed of in a sanitary sewer.

340.8 Construction of a Temporary or Seasonal Food Facility

A. Protection, overhead as well as for other openings, shall be provided for all food preparation and food storage areas. Materials such as canvas, plastic or wood that protect the facility from the weather and environmental conditions must be APPROVED prior to operation. A site shall be chosen which will minimize problems with dirt, dust and other contaminants.

B. The remainder of the temporary food facility shall be constructed of material which allows easy cleaning.

SECTION 341. SHARED KITCHENS

341.1 General

The Department will evaluate shared kitchens for the storage, preparation of food, warewashing, waste disposal, equipment storage, or the replenishment of supplies and equipment. The Department may impose additional

requirements to protect against health hazards related to the use of food facilities as shared kitchens.

341.2 Approval and Review

A. Any time three or more food facilities propose to operate out of the same commercial kitchen, the primary permit holder of the commercial kitchen shall notify the Department of their intent to share kitchen space.

B. If a food facility was not previously approved by the Department to be a shared kitchen, the primary permit holder must submit plans and specifications to the Department for approval, as specified in § 304 of this Article, as this shall be considered a significant change of operations.

C. The Department may limit the use of a commercial kitchen as a shared kitchen based on factors such as the size of the kitchen, the equipment available, and the compliance history of the food facilities involved.

341.3 Responsibilities in Shared Kitchens

A. Primary permit holder duties. The primary permit holder shall do all the following:

1. Ensure the physical facilities and all equipment provided by the primary permit holder in the shared kitchen are in compliance with all local, state and federal regulations.

2. Ensure that any person engaged in food preparation or storage within the facility is properly permitted.

3. Maintain the following records on site regarding the use of the shared kitchen and make the records immediately available upon request by the Department at the time of inspection:

- (a) A list of all shared kitchen users and current contact information.

- (b) For each shared kitchen user, a copy of the following documents:

- 1) All agreements entered into by the primary permit holder with each shared kitchen user, including the effective date, and if applicable, the termination date of each agreement, for a period of at least 12 months after the date of entry of a record.

- 2) If the shared kitchen user is processing or storing TCS foods, a valid CFPM certificate.

- (c) A schedule of the proposed dates and times when each shared kitchen user, including the primary permit holder, intends to use the shared kitchen.

- (d) A shared kitchen user sign-in log indicating the dates and times each shared kitchen user arrived and departed.

4. Notify the Department if a shared kitchen user terminates or otherwise withdraws from any contract or agreement, or if a shared kitchen user discontinues use of the space without contacting the primary permit holder.

5. Provide access for inspection by the Department to all locked equipment located in any storage area maintained in the shared kitchen.

6. Ensure that the number of users operating in the shared kitchen does not pose a health or safety risk.

7. Maintain a valid food permit issued by the Department.

B. Shared kitchen user duties. A shared kitchen user issued a food permit for a food facility shall:

1. Conform to the requirements provided in this Article.

2. Be responsible for any equipment or facility violations that pertain to the user's operation in the shared kitchen.

3. Ensure a CFPM, employed by the user, is on site at all times that TCS food is being prepared, handled, packaged, served or otherwise used, and make available, upon request, a CFPM certificate.

4. Have a copy of their food permit posted on site at all times when the shared kitchen user is physically using the shared kitchen.

5. Store all food and ingredients, in accordance with § 332 of this Article, in the shared kitchen until use or delivery to the consumer. Food and food ingredients shall not be stored in an unpermitted location or facility.

342. SELF-SERVICE FOOD FACILITY

342.1 General

A. Self-service food facilities shall comply with the requirements of this section and all other applicable sections of this Article.

B. Self-service food facilities shall display a valid "Inspected and Permitted by the Allegheny County Health Department" placard issued by the Department. The placard shall be displayed in a place conspicuous to the public.

C. Self-service food facilities shall provide information to the Department as to the responsible party that will be available for routine inspections.

D. All self-service food facilities display-units offering TCS food, shall be equipped with a self-closing door.

E. Self-service food facilities shall have a sign readily visible from the automated payment kiosk stating:

1. The name of the business to whom complaints or comments shall be addressed;
2. The address of the business responsible for the facility; and
3. The responsible business's telephone number and email or web information, when applicable.

F. A self-service food facility will not be required to maintain a Person in Charge onsite if the conditions in sections 342.2 and 342.3 are met.

342.2 Food Conditions

A. Pre-packaged food sold at a self-service food facility shall:

1. Meet the labeling requirements as specified in §3-201.11(C) of the MFC; and
2. Be tamper evident.

B. All food shall be stored and discarded in accordance with §3-501.17 and §3-501.18 of the MFC.

342.3 Vending Machines

A. All self-service food facilities vending machines offering TCS foods shall have an automatic shut-off control or a plan approved by the Department that prevents the vending machine from dispensing food if:

1. There is a power failure, mechanical failure, or other condition that results in failure of the equipment to maintain food temperatures as specified under § 332 of this Article; and
2. Where a condition specified in subparagraph (1) of this subsection occurs, until the equipment is serviced and restocked with food that has been maintained at temperatures specified under § 332 of this Article.

B. The automatic shut-off within the vending machine cold holding TCS food shall activate when the ambient temperature exceeds 41° Fahrenheit or 45° Fahrenheit for a unit holding raw shell eggs only, for more than 30 minutes immediately after the display is filled, serviced, or restocked.

C. The automatic shut-off within the vending machine hot holding TCS food shall activate when the ambient temperature is below 135° Fahrenheit for more than 120 minutes immediately after the display is filled, serviced, or restocked.

ADMINISTRATIVE PROCEDURES AND REMEDIES

SECTION 343. SUSPENSION OF A FOOD PERMIT - IMMINENT HEALTH HAZARD

A. If the Department finds there is an imminent health hazard to the public health the food permit shall immediately be suspended. Any person whose

food permit has been suspended under this section shall upon written request be entitled to a hearing pursuant to Article XI, "Hearings and Appeals", of the Allegheny County Rules and Regulations. The suspension shall not become effective until the operator has received legal notice of the decision.

B. Upon suspension of a food permit, the Department shall immediately post a "*Closed by Order of the Allegheny County Health Department*" Placard in plain view at all patron entrances to the premises. Such notice shall not be concealed or removed. Removal shall be only at the direction of the Department.

C. A person whose food permit has been suspended shall have the food permit reinstated upon completion of the corrective action required by the Department and an inspection verifying such corrections. It shall be unlawful to operate a food facility with a suspended food permit.

SECTION 344. SUSPENSION OF A FOOD PERMIT - NON-IMMINENT HAZARD

A. If the Department determines that there is violation of any of the Rules and Regulations of the Allegheny County Health Department or laws of the Commonwealth of Pennsylvania but there is no imminent health hazard, the facility's food permit may be suspended.

B. The food permit suspension shall not become effective until an opportunity for a pre-suspension hearing has been afforded to the holder of the permit. The pre-suspension hearing notice shall contain the violations, and where applicable, any corrective action which must be taken and the time within which such corrections must be completed. The Department shall schedule a hearing no sooner than six (6) days from the date of mailing of the notice of pre-suspension hearing unless the Department and the applicant both agree to a hearing at an earlier date. If the permit holder fails to appear at the hearing, the suspension shall become effective on the date of the hearing; otherwise, the suspension shall become effective at such time as may be fixed by the Department.

C. Upon suspension of a food permit, the Department shall immediately post a "*Closed by Order of the Allegheny County Health Department*" placard in plain view at all patron entrances to the premises. Such notice shall not be concealed, altered or removed. Removal shall be only at the direction of the Department. It shall be unlawful to operate any food facility with a suspended food permit.

SECTION 345. REINSTATEMENT OF A HEALTH PERMIT

A. A food permit which has been suspended shall be reinstated if the person whose food permit has been suspended completes the corrective action as required and provides the Food Safety Program with a written request for an inspection. The food permit may only be reinstated following a Food Safety Program inspection of the premises and written approval by the Department.

B. If a food facility fails to meet the requirements for the initial food permit reinstatement, all subsequent food permit reinstatement inspections shall be conducted at the owner's expense according to the fee schedule.

SECTION 346. VARIANCES

The Director, the Deputy Director which oversees the Food Safety Program, or the Manager of the Food Safety Program may grant variance or conditional variance from any of the requirements of this regulation if the Department determines that the granting of the variance poses no real or potential hazard to the health, safety, or welfare of the public. Variance requests must be made in writing by the permit holder, be approved prior to implementation, and at a minimum include the following:

1. The section of this Article or the MFC that the requested variance applies;
2. A statement that defines what the request is for, such as, but not limited to, a process or non-conforming use of the food facility or equipment;
3. Rationale for how the potential public health hazards or nuisances addressed by the relevant sections will be alternatively addressed by the request; and
4. A statement that defines the reason for the variance, showing that the need for a variance is not the consequence of a self-created hardship.

SECTION 347. Penalties

A. Misdemeanors. Any person who violates any of the provisions of this Article or any rule or regulation of the Department, or who interferes with the Director or any agent of the Department of Health in the discharge of their official duties, convicted of a second or subsequent offense, shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or to undergo imprisonment not exceeding one (1) year, or both.

B. Summary Offenses. Any person who violates any of the provisions of this Article or any rule or regulation of the Department, or who interferes with the Director or any agent of the Department in the discharge of their official duties, shall, for the first offense, upon conviction thereof in a summary proceeding before any alderman or justice of the peace of Allegheny County, or before any police magistrate if such offense be committed in a city of the second class, be sentenced to pay the costs of prosecution and a fine of not less than thirty dollars (\$30.00) nor more than three hundred dollars (\$300.00) and, in default thereof, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days.

C. Civil Penalties. Any person who violates any of the provisions of this Article or any rule or regulation of the Department, or who interferes with the Department in the discharge of their official duties may be assessed a civil penalty imposed by the Director, Deputy Director, the Food Safety Program Manager, or their respective designee pursuant to Article XVI - "Environmental Health Civil Penalties".

D . Separate Offenses. -For the purpose of this section, violations on separate days shall be considered separate offenses. Each violation of any separate subsection or section of this Article shall constitute a separate offense.

E. In determining the amount of penalties to be assessed, the Department shall consider the economic benefit gained by such person by failing to comply with the Article, the willfulness of the violation, the actual and potential harm to the public health, safety and welfare and to the environment, the nature, frequency and magnitude of the violation, and any other relevant factors.

SECTION 348. HEARINGS AND APPEALS

Article XI, "Hearings and Appeals", provides for the right to a hearing if aggrieved by any order issued by the DEPARTMENT. All appeals must be filled in accordance with Article XI, § 1104. The Notice of Appeal shall be filed no later than thirty (30) days after receipt of written notice or issuance of the action by which the Appellant is aggrieved. The notice of appeal must be filed no later than 4:00 p.m. Eastern Time on the thirtieth (30th) day after written notice or issuance of the action.

SECTION 349. ALLEGHENY COUNTY FOOD SAFETY FUND

A. The purpose of the Allegheny County Food Safety Fund is to support activities related to the improvement of food safety within Allegheny County. The fund is intended to support activities that will increase or improve knowledge of food safety related to foodborne illness and its control to benefit public health.

B. Disposition of Funds Collected. All funds received by the County including, but not limited to, reinspections, owner requested inspections, consent orders, consent decrees, or civil penalties relating to actions taken by the Department regarding food safety shall be paid into a special fund known as the Allegheny County Food Safety Fund which is hereby established.

1. This fund shall be administered in accordance with the provisions of the Second-Class County Charter Law and other applicable laws. The County Treasurer shall invest funds deposited in the Fund and in such manner as not to impair the liquidity of the Fund and shall credit all interest accruing on such monies to the Fund.

2. The Director shall report on the status of the Fund to the Board of Health on a semiannual basis, or at such other intervals as the Board may require.

3. Audits of the Fund shall be performed as required by law.

C. Disbursements. Disbursements of funds from the Allegheny County Food Safety Fund shall be utilized solely to cover any and all reasonable (direct and indirect) costs incurred by the county and required to develop and administer the County's Food Safety Program. No food facility, which is subject to the provisions of this Article, shall receive monies from the Fund under this section, or services, equipment, or materials purchased with such monies, to

fulfill its obligations under this Article, except for Department facilities supporting the Food Safety Program. The Allegheny County Board of Health shall have the sole discretion and authority to make disbursements from this fund as it sees fit from time to time.

D. At no time for any purpose shall funds be disbursed or borrowed from the Allegheny Food Safety Fund, or otherwise distributed or encumbered, except as specifically allowed under this section.

SECTION 350. FOOD SAFETY ADVISORY COMMITTEE

There is hereby established a Food Safety Advisory Committee which may recommend to the Board of Health additions and changes to this Article and advise the Department and the Board of Health on matters relative to food safety which are brought to its attention by any person.

A. Membership:

1. Members shall be appointed by the Director and shall serve a term of no more than three (3) years. Those members whose terms have expired may serve an additional two (2) years if approved by the Board of Health.
2. The Food Safety Advisory Committee shall consist of an odd number of appointees of at least 9 and up to 17 individuals.
3. Advisory Committee members shall be residents of Allegheny County and shall consist of a balance of representatives of industry, academia, small business, and general citizenry, who maintain credentials in, or experience in, or knowledge of the field of food safety.
4. The Director, Deputy Director, and Food Safety Program Manager shall be nonvoting ex-officio members of the Committee.
5. The Advisory Committee shall elect from its members a Chair and a Vice Chair of the Committee. The election shall be for one (1) year terms and held at the first meeting after September 1 of each year.
6. If a member is not in attendance at more than 3 (three) out of any five (5) consecutive meetings, they will be notified by the Department that their membership has been forfeited. A member may petition the Director for reinstatement at the next Advisory Committee meeting.

B. Procedures:

1. The Advisory Committee shall meet at the call of the Chair, the request of the Director, the Board of Health, or upon the written request of any three (3) members of the Advisory Committee.
2. Each year the Advisory Committee shall adopt such procedures and provisions as are necessary to conduct its business.

3. A quorum, which shall consist of no less than a majority of voting members, shall be required to conduct the business of the Advisory Committee.

4. The Advisory Committee shall comply with the PA Sunshine Act and all other applicable Local, State, and Federal laws as required.

Section 351. UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause, or phrase of these Rules and Regulations be declared unconstitutional or invalid for any reason, the remainder of said Rules and Regulations shall not be affected thereby.

SECTION 352. DEFINITIONS

The following definitions shall apply in the interpretation and application of this Article:

Additive –

- a) "Food additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(s) and 21 CFR 170.3(e)(1).
- b) "Color additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.3(f).

Adulterated – Food when one or more of the following is accurate:

- a) The food bears or contains any poisonous or deleterious substance, which may render it injurious to health. However, if the substance is not an added substance, the food will not be considered adulterated if the quantity of the substance in the food does not ordinarily render it injurious to health.
- b) The food bears or contains any added poisonous or added deleterious substance, which is unsafe within the meaning of § 11 of the Food Act (31 P. S. § 20.11). This subparagraph does not apply to a pesticide chemical in or on a raw agricultural commodity, a food additive or a color additive.
- c) The food is a raw agricultural commodity and bears or contains a pesticide chemical which is unsafe within the meaning of § 11 of the Food Act, except that, when a pesticide chemical has been used in or on a raw agricultural commodity with an exception granted or tolerance prescribed under § 11 of the Food Act or under any of the Federal acts and the raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating or milling, the residue of the pesticide remaining in or on the processed food will, notwithstanding § 11 of the Food Act and this subparagraph, not be deemed unsafe if the residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of the residue in the processed food when ready-to-eat is not greater than the tolerance prescribed for the raw agricultural commodity.
- d) The food bears or contains any food additive, which is unsafe within the meaning of § 11 of the Food Act or any of the Federal acts.
- e) The food consists in whole or in part of any diseased, contaminated, filthy, putrid or decomposed substance or is otherwise unfit for food.
- f) The food has been produced, prepared, packed or held under unsanitary conditions so that it may have become contaminated with

filth or may have been rendered diseased, unwholesome or injurious to health.

- g) The food is, in whole or part, the product of a diseased animal or of an animal which has died in a manner other than by slaughter.
- h) The food is in a container composed, in whole or part, of any poisonous or deleterious substance which may render the contents injurious to health. However, the container is permissible for use if it is fabricated or manufactured with good manufacturing practices as that standard is defined and delineated by any of the Federal acts and their regulations.
- i) The food has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption under § 11 of the Food Act or under one of the Federal acts.
- j) The food has had any valuable constituent, in whole or part, omitted or abstracted therefrom.
- k) The food has had any substance substituted wholly or in part.
- l) Damage or inferiority of the food is concealed in any manner.
- m) A substance has been added to the food and it is mixed or packed so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is.
- n) The food bears or contains any color additive which is unsafe within the meaning of § 11 of the Food Act or under one of the Federal acts.
- o) The food bears or contains eggs processed by or egg products derived from a manufacturing, processing or preparing method wherein whole eggs are broken using a centrifuge-type egg breaking machine that separates the egg's liquid interior from the shell.

Asymptomatic – without obvious symptoms; not showing or producing indications of a disease or other medical condition. Asymptomatic includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

A_w – A symbol for *water activity*.

Balut - An embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

Beverage – A liquid for drinking, including water.

Bulk food - processed or unprocessed food in aggregate containers from which quantities desired, including by the consumer, are withdrawn.

Caterer - defined as any person who primarily provides food for service off the permitted premises.

Certified Food Protection Manager (CFPM) - an individual who has demonstrated proficiency of required information through passing a test that is part of an accredited program that is evaluated and listed by the Conference for Food Protection as conforming to the Conference for Food Protection Standards for accreditation of Food Protection Manager Certification Programs.

CFR – The most-recently published edition or revision of the *Code of Federal Regulations*, a compilation of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the Federal government.

Cleaned in place (CIP) –

- a) Cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse and sanitizing solution onto or over equipment surfaces that require

cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.

- b) The term does not include the cleaning of equipment such as band saws, slicers or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

Commingle - To combine shellstock harvested on different days or from different growing areas as identified on the tag or label, or to combine shucked shellfish from containers with different container codes or different shucking dates.

Comminuted - A food that is reduced in size by methods including chopping, flaking, grinding or mincing. The term includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

Commissary - A catering facility, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored. A distribution facility or service area where food is prepared, stored or from which it is supplied to a mobile or other retail food facility.

Confirmed disease outbreak - a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.

Consumer - A person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food facility or food processing plant, and does not offer the food for resale.

Corrosion-resistant material - A material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions and other conditions of the use environment.

Critical control point (CCP) - A point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

Critical limit - The maximum or minimum value to which a physical, biological or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

Dealer - a person who is authorized by a shellfish control authority for the activities of shellstock shipper, shucker-packer, repacker, reshipper of depuration processor of molluscan shellfish according to the provisions of the National Shellfish Sanitation Program.

Department - the Allegheny County Health Department.

Director - the Director of the Allegheny County Health Department or their designate.

Disclosure - a written statement that clearly identifies the animal-derived foods or ingredients which are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens.

Drinking water- See *Potable water*.

Easily cleanable -

- a) A characteristic of a surface that:
- 1) Allows effective removal of soil by normal cleaning methods.
 - 2) Is dependent on the material, design, construction and installation of the surface.
 - 3) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose and use.

- b) The term includes a tiered application of the criteria that qualify the surface as easily cleanable as specified in subsection (a) to different situations in which varying degrees of cleanability are required, such as one of the following:
- 1) The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or
 - 2) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

Egg – The shell egg of the avian species such as chicken, turkey, duck, goose, guinea, quail, or ratite. Egg does not include balut, or the egg of a reptile species such as alligator.

Electronic cigarette device – any electronic oral device, such as one composed of a heating element, battery or electronic circuit, which provides a vapor of nicotine or any other substances and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar or e-pipe or under any other product name or descriptor.

Equipment – articles that are used in the operation of a food facility such as stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, temperature measuring devices for ambient air, vending machines and similar items other than utensils.

Extensively remodeled - whenever an existing structure is converted for use as a food facility; any structural or significant equipment additions or alterations to the existing food facility; changes, modifications and extensions of plumbing systems, excluding routine maintenance.

Farmer(s) Market – A location where primarily regionally produced agricultural products are sold directly to the public by two or more farmers and/or producers in a fixed location and on a pre-determined schedule.

Fish – Fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber and sea urchin, and the roe of such animals), and all mollusks, if such animal life is intended for human consumption. The term includes an edible food product derived in whole or in part from fish, including fish that have been processed in any manner.

Flea Market – a retail location where vendors primarily re-sale goods or sell home-made crafts to the public, may be operated seasonally or yearly.

Food - any raw, cooked, or processed edible substance; ice; beverage; or any ingredient used or intended for use or for sale, in whole or in part, for human consumption.

Food allergen – see Major Food Allergen.

Foodborne disease outbreak – the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.

Food-contact surface - those surfaces of equipment and utensils with which food normally comes in contact; and those surfaces from which food may drain, drip, or splash back into food or onto surfaces normally in contact with food.

Food facility - any operation, permanent, commissary, seasonal or temporary facility, where food is prepared, handled, served, sold, stored, or otherwise provides food for human consumption. A food facility does not include:

- a) A seasonal produce stand that only offers whole, uncut fresh fruits and vegetables;
- b) A farm that provides unprocessed non-TCS foods to the public;
- c) A kitchen in a private home that prepares food that is not TCS for SALE or service at a function such as a religious or charitable organization's bake sale;
- d) A kitchen in a private home, such as a small family day-care provider or bed and breakfast that prepares and offers food to guests if the home is owner-occupied and the facility is not a boarding home;
- e) A private home that received catered or home-delivered food; or

Food permit – The document issued by the Allegheny County Health Department that authorizes a person or entity to operate a food facility.

Food preparation - thawing, cooking, cooling, heating, reheating, putting together, cutting, slicing, dividing, mixing, portioning, or packaging food for a consumer, except that trimming or cleaning of whole vegetables or fruits for display and sale shall not be considered food preparation.

Food processor – Any person or facility that produces, prepares, packages, holds food for wholesale distribution to other business entities, and does not primarily provide food directly to the consumer.

Food Safety Program – The unit within the Department that inspects food facilities, conducts plan review for compliance with this Article, or is responsible for directing or supervising those responsible for conducting inspections or plan review, the term does not include contracted or temporary employees of the Department.

Foot candle – A unit of illumination equal to that given by a source of one candela at a distance of one foot (equivalent to one lumen per square foot, or 10.764 lux).

Food worker –any person working in a food facility.

Game animal–

- a) The term includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria or muskrat, and non-aquatic reptiles such as land snakes.
- b) An animal, the products of which are food, that is not classified as any of the following:
 - 1) Fish;
 - 2) Cattle, sheep, swine, goat, horse, mule or other equine, as those terms are used in 9 CFR Chapter III, Subchapter A (relating to agency organization and terminology; mandatory meat and POULTRY products inspection and voluntary inspection and certification);
 - 3) POULTRY, as that term is used in 9 CFR Chapter III, Subchapter A.;
 - 4) Ratites, such as ostriches, emus or rheas.

HACCP – see *Hazard Analysis Critical Control Point*.

HACCP plan – A written document that delineates the formal procedures for following the HACCP principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

Hazard – A biological, chemical, or physical property that may cause an unacceptable consumer health RISK.

Hazard Analysis Critical Control Point (HACCP)– A system developed by the National Advisory Committee on Microbiological Criteria for Foods that identifies and monitors specific foodborne hazards that can adversely affect

the safety of the food products; a method used to reduce the RISK of foodborne illness by:

- a) Identifying hazards of high risk foods;
- b) Assessing the significant hazards posed by each preparation step;
- c) Determining the critical points for controlling hazards;
- d) Monitoring a critical control point or points; and
- e) Implementing immediate and appropriate corrective action when control criteria are not met;
- f) Verifying that the system is working;
- g) Keeping records; and
- h) Training staff.

Hermetically sealed container - An airtight container which is designed and intended to be secure against the entry of microorganisms and, in the case of low acid foods, to maintain the commercial sterility of its contents after processing.

High risk violation– see *Risk Factor*

Highly Susceptible Population - a group of persons who are more likely than other populations to experience foodborne disease because

- a) they are immunocompromised persons, pre-school age children, or older adults; and
- b) in a facility that provides health care; assisted living or custodial care; health care; nutritional or socialization services; such as a hospital, nursing home, or day care center.

Honestly presented– Food offered for human consumption in a way that does not mislead or misinform the consumer, and without misrepresenting the true appearance, color or quality of the food through the use of food or color additives, colored overwraps, lighting or other means.

Imminent health hazard – A significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries, and the nature, severity, and duration of the anticipated injury.

Injected – manipulating meat by introducing a solution into its interior by processes that are referred to as “injecting”, “pump marinating”, or “stitch pumping”.

Juice – the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. The term does not include those that are not used as beverages or ingredients of beverages.

Leafy greens – Fresh leafy greens whose leaves once cut, shredded, sliced, chopped, or torn must be time/temperature controlled for safety. The term includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard. The term does not include herbs such as cilantro or parsley.

Limited Food Establishment - a residential style kitchen that may not meet the full regulatory code requirements, that is permitted or registered by the Department or the PA Department of Agriculture, and produces only non-TCS food items.

Major Food Allergen - any of the following:

- a) Milk, egg, fish (e.g., bass, flounder, or cod), Crustacean shellfish (e.g., crab, lobster, or shrimp), tree nuts (e.g., almonds, pecans, or walnuts), wheat, peanuts, sesame, and soybeans; and

b) A food ingredient that contains protein derived from a food specified as a major food allergen

Meal - food sufficient to constitute breakfast, lunch, or dinner; it shall not mean a snack, such as pretzels, popcorn, chips or similar food.

Mechanically tenderized -

- a) Manipulating meat with deep penetration by processes which may be referred to as "blade tenderizing", "jaccarding," "pinning", "needling", or using blades, pins, needles or any mechanical device
- b) The term does not include processes by which solutions are INJECTED into meat.

mg/L - Milligrams per liter, which is the metric equivalent of parts per million.

Mobile food facility - a self-contained, limited service food facility which is a mechanically, electrically, manually, or otherwise propelled vehicle operating on land or water, and that routinely reports to a permitted commissary.

Model Food Code (MFC)- The most current edition of the Food Code published by the Department of Health and Human Services, Food and Drug Administration as adopted by the Commonwealth of PA in 7 Pa. Code § 47 as the Food Code.

Medium Risk Factors or Violations- see *Risk Factor*

Modified Atmosphere Packaging -

- a) A type of reduced oxygen packaging in which the atmosphere of a package of food is modified so that its composition is different from air, but the atmosphere may change over time due to the permeability of the packaging material, or the respiration of the food.
- b) The term includes reduction in the proportion of oxygen, total replacement of oxygen or an increase in the proportion of other gases such as carbon dioxide or nitrogen.

Molluscan shellfish - an edible species of fresh or frozen oysters, clams, mussels and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

Non-continuous cooking -

- a) The cooking of food in a food facility using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for a complete cooking at a later time prior to SALE or service.
- b) The term does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

Non-critical violation- see *Risk Factor*

Operator - the person or entity that is legally responsible for the operation of a business regulated under this article, also known as the vendor.

Packaged - bottled, canned, cartoned, bagged, or otherwise securely wrapped.

Pasteurization - Partial sterilization of a substance at a temperature and for a period of exposure that destroys objectionable organisms without major chemical alteration of the substance.

Permit holder - The entity that:

- a) Is legally responsible for the operation of the food facility, such as the owner, the owner's agent, or other person; and
- b) Possesses a valid food permit to operate a food facility.

Person in Charge- the individual present in a food facility who is responsible for the operation at the time of inspection. If no individual identifies themselves as the Person in Charge, then any food worker present may be deemed the Person in Charge by the Department.

Personal care items -

- a) Items or substances that may be poisonous, toxic or a source of contamination and are used to maintain or enhance a person's health, hygiene or appearance.
- b) The term includes items such as medicines, first aid supplies, cosmetics, toiletries and similar items.

pH - the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.

Poisonous or toxic material - substances that are not intended for ingestion and are included in 4 categories:

- a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes and other chemicals;
- b) Pesticides, except sanitizers which include substances such as insecticides and rodenticides;
- c) Substances necessary for the operation and maintenance of the facility such as nonfood grade lubricants and personal care items that may be deleterious to health; and
- d) Substances that are not necessary for the operation and maintenance of the facility and are on the premises for retail sale, such as petroleum products and paints.

Potable water - water obtained from a source meeting the requirements of the State and Federal Safe Drinking Water Acts. The term does not include water that is not potable, such as boiler water, mop water, rainwater, wastewater, and "non-drinking" water.

Potentially Hazardous Food - see Time and Temperature Controlled for Safety Food

Poultry -

- a) Any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs), whether live or dead, as defined in 9 CFR 381.1 (Poultry Products Inspection Regulations Definitions, Poultry); and
- b) Any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in 9 CFR 362.1 (Voluntary Poultry Inspection Regulations, Definitions).

Premises - The physical facility, its contents and the contiguous land or property under the control of the food facility operator. If a food facility is a component of a larger operation, such as a hotel, motel, shopping mall or public campground, and that larger operation is also under the control of the food facility operator, that larger operation is part of the food facility premises to the extent it may impact the food facility, its personnel or its operations.

Pre-packaged food - Food received at the food facility, and then distributed or sold as packaged by the manufacturer.

Preparation - the action or process of modifying food differing from the original condition in which it was received, this does not include opening packages of raw meats, or processing primal cuts.

Primal cut - A basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank or veal breast.

Primary permit holder - The entity that is legally responsible for the operation of the food facility such as the owner, the owner's agent, or other person and has the ability to enter into legal agreements authorizing the use of their facility to other entities.

Ratite - a flightless bird such as an ostrich, emu and rhea.

Ready-to-eat food - Any of the following types of food:

- a) Food in a form that is edible without additional preparation to achieve food safety;
- b) Animal-derived food that is raw or partially cooked for which there is a Consumer Advisory;
- c) Food that is prepared in accordance with a variance issued by the Department;
- d) Food that may receive additional preparation for palatability or aesthetic, epicurean, gastronomic or culinary purposes;
- e) Raw animal-derived food that is cooked;
- f) Raw fruits and vegetables that are washed;
- g) Fruits and vegetables that are cooked for hot-holding;
- h) TCS food that is cooked and cooled;
- i) Plant food for which further washing, cooking or other processing is not required for food safety, and from which rinds, peels, husks or shells are removed;
- j) Substances derived from plants, such as spices, seasonings and sugar;
- k) A bakery item, to include icings and fillings, for which further cooking is not required for food safety;
- l) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages; salt-cured meat and poultry products; and dried meat and poultry products; and
- m) Food that is manufactured according to 21 CFR Part 113 (Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers).

Reduced oxygen packaging – see *Modified Atmosphere Packaging*.

Refuse – Solid waste not carried by water through the sewage system.

Regulatory authority - the Federal, State, or local enforcement authority or authorities having jurisdiction over the food facility.

Reinspection – A subsequent inspection that is conducted as a follow-up to conditions identified in a food facility in order to determine compliance with the Department rules and regulations governing “Food Safety”.

Reminder – a written statement concerning the health risk of consuming animal-derived foods which are raw, undercooked, or without otherwise being processed to eliminate pathogens.

Responsible party - the person or entity that is legally responsible for the operation of a business regulated under this article or the planning and coordination for a temporary event where temporary or seasonal food facilities operate.

Re-service – the transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.

Restaurant - A facility where food or drink is dispensed or prepared primarily for immediate consumption. This category includes coffee shop, cafeteria, short order café, luncheonette, tavern, sandwich stand, snack bar and all other eating and drinking establishments

Restricted use pesticide – a pesticide product that contains the active ingredients specified in 40 CFR 152.175 (Pesticides classified for restricted use), and that is limited to use by or under the direct supervision of a certified applicator.

Retail food facility– Any facility or section of a facility where food and food products are offered to the consumer directly or indirectly. This definition shall include mobile food units.

Risk – the likelihood that an adverse health effect will occur within a population as a result of a hazard.

Risk Factor– Improper or unsafe practices, procedures, or conditions identified as the most prevalent contributing factor of food borne illness or injury. For the purpose of prioritization of intervention, risk factors are designated as *high, medium or low*:

- a) *High* – practices and procedures, or violations of Article III, that pose a higher risk for the transmission of foodborne illness. These violations require immediate attention for corrective action, or suitable alternative intervention, to diminish risk until the violation can be corrected. A follow-up inspection, or reinspection, may be required to be conducted.
- b) *Medium* – practices and procedures, or violations of Article III, that pose a lower risk to the public health and safety. They may require immediate corrective action, but may not require a follow-up inspection.
- c) *Low*–conditions or violations that are not high risk. These violations may not require immediate correction, however, control of these conditions supports, facilitates or enables control of high and medium risk conditions.

Routine Inspection – An inspection conducted to assess all physical areas, and food-related practices, functions and records of a food facility. Routine inspections are conducted on a regular schedule based upon assigned priority.

Sanitization – The application of cumulative heat or concentration of chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

Sealed – Free of cracks or other openings that allow the entry or passage of moisture.

Seasonal food facility- a food facility that routinely operates for no more than six (6) consecutive months each year in association with a seasonal event, such as, but not limited to flea markets or farmers’ markets.

Self-service - the practice of patrons dispensing their own food or beverages.

Self-service food facility – provides packaged foods or whole fruit using an automated payment system and has controlled entry not accessible by the general public; also known as an Unattended Food Facility. This definition does not include groups of 5 (five) or less vending machines that only provide non-TCS food items.

Service animal – an animal such as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

Service sink – A sink used for obtaining water for the purposes of cleaning, and for the disposal of mop water or other similar liquid waste.

Sewage – Liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

Shared kitchen - a commercial kitchen in which three or more food businesses or operations with different permit holders is using the same commercial kitchen facilities for the disposal of waste, storage or production of food or as an operational base, warewashing facility, or commissary.

Shell egg – The product of domesticated avian species, enclosed in a shell, to be used for human consumption.

Shellstock – raw, in-shell Molluscan shellfish.

Shucked shellfish – Molluscan shellfish that have one or both shells removed.

Single-service articles - items used by the retailer or consumer such as cups, containers, lids, and packaging materials, including bags and similar articles, intended for contact with food, and designed for one-time, one person use, after which they are intended for discard.. The term does not include "single-use" articles.

Single-use articles -

- a) Utensils and bulk food containers designed and constructed to be used once and discarded.
- b) The term includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans which do not meet the materials, durability, strength, and cleanability specifications for multi-use.

Smooth -

- (1) A food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel;
- (2) A non-food-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and
- (3) A floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

Sous vide packaging - A type of reduced oxygen packaging in which raw or partially cooked food is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

Sulfiting agent - A substance which imparts a residual of sulfur dioxide.

Tableware - see *Utensil*

Tamper evident - having one or more indicators or barriers to entry which, if breached or missing, can reasonably be expected to provide visible evidence to consumers that tampering has occurred.

Temporary event - a public or social occasion which operates no more than 14 consecutive days where temporary food facilities operate.

Temporary Food Facility - a food facility that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

Time and Temperature Control for Safety food (TCS food) -

- a) A food that requires time/temperature control for safety (TCS food) to limit pathogenic microorganism growth or toxin formation.
- b) TCS food includes:
 - 1) An animal-derived food that is raw or heat-treated; a plant-derived food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes, or cut tomatoes or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation.
 - 2) Except as specified in subsection (c) (4) of this definition, a food that because of the interaction of its a_w and pH values is designated as Product Assessment required (PA) in Table A or B of this definition.

INTERACTION OF pH and a_w FOR CONTROL OF SPORES IN FOOD:

Table A

Food that is heat-treated to destroy vegetative cells and subsequently packaged			
a_w values	pH values		
	4.6 or less	>4.6 – 5.6	>5.6
≤0.92	non-TCS*	non-TCS	non-TCS
>.092 - .95	non-TCS	non-TCS	PA***
>.95	non-TCS	PA	PA
* TCS means Time and Temperature Controlled for Safety Food ***PA means Product Assessment required			

Table B				
Food that is <i>not</i> heat-treated, or heat treated but <i>not</i> packaged				
a_w values	pH values			
	<4.2	4.2 – 4.6	>4.6 – 5.0	>5.0
<0.88	non-TCS	non-TCS	non-TCS	non-TCS
0.88 – 0.90	non-TCS	non-TCS	non-TCS	PA***
>0.90 – 0.92	non-TCS	non-TCS	PA	PA
>0.92	non-TCS	PA	PA	PA
* TCS means Time and Temperature Controlled for Safety Food ***PA means Product Assessment required				

c) TCS food does *not* include:

- 1) An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable *salmonellae*;
- 2) A food in an unopened hermitically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;
- 3) A food that because of its pH or a_w value, or interaction of a_w and pH values, is designated as a non-TCS food in Table A or B of this definition;

- 4) A food that is designated as Product Assessment Required (PA) in Table A or B of this definition and has undergone a product assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is prevented due to:
 - a. Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients,
 - b. Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use, or
 - c. A combination of intrinsic and extrinsic factors; or
- d) A food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the subsections (c) (1)–(4) of this definition even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

Utensil – A food-contact implement or container used in the storage, preparation, transportation, dispensing, sale or service of food. The term includes items such as the following:

- a) Kitchenware or tableware that is multi-use, single-service or single-use;
- b) Gloves used in contact with food;
- c) Food temperature measuring devices; and
- d) Probe-type price or identification tags used in contact with food.

Vacuum packaging – A type of reduced oxygen packaging in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package, such as sous vide.

Variance – a written document issued by the Department that authorizes a modification or waiver of one or more requirements of this Article.

Vending Machine - a self-service device that provides unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

Vendor – see Operator

Warehouse- An operation that stores or distributes food, including cold storage, and that does not primarily sell directly to the consumer.

Warewashing – The cleaning and sanitizing of utensils and food-contact surfaces of equipment.

Water activity (a_w) –A measure of the free moisture in a food, obtained by dividing the water vapor pressure of the substance by the vapor pressure of pure water at the same temperature.

Whole-muscle, intact beef – Whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

**Allegheny County Health Department
ARTICLE III. FOOD SAFETY**

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Glossary of Commonly Used Abbreviations

ANSI **American National Standards Institute**

CFPM **Certified Food Protection Manager**

CFR **Code of Federal Regulations**

CCP **Critical Control Point**

DEP **The Pennsylvania Department of Environmental
Protection**

EPA **The United States Environmental Protection Agency**

FDA **The United States Food and Drug Administration**

HACCP **Hazard Analysis Critical Control Point**

MFC **Model Food Code**

NSF **National Sanitation Foundation**

PDA **The Pennsylvania Department of Agriculture**

TCS **Time and Temperature Control for Safety**

USDA **The United States Department of Agriculture**

SECTION 300. PURPOSE AND SCOPE

The purpose of this Article is to safeguard public health through the application of the principles of food safety, foodborne illness prevention and environmental health in food facilities. This Article shall be liberally construed and applied to promote the underlying purpose of protecting the public health; **and shall be consistent with the laws of the Commonwealth of Pennsylvania.**

This Article establishes definitions; sets standards for **management, personnel, operations, equipment and facilities**; and provides for food facility plan review, **food** permit issuance, inspection, Hazard Analysis Critical Control Point (HACCP) **Plan** evaluation, **food permit** suspension and revocation, and penalties.

SECTION 301. APPLICABILITY

A. This Article provides for the regulation of food operations, **to include but not limited to,** restaurants and eating establishments, hospitals, nursing homes, personal care homes, schools, retail stores, food processors, caterers, warehouses, temporary and seasonal food facilities, mobile food **facilities**, and other similar food facilities which **directly or indirectly** provide food to the public.

B. A retail food facility that sells only a food in its raw or natural state, including all fruits which are washed, colored or otherwise treated in their unpeeled, natural form prior to marketing shall be exempt from this article.

PLAN REVIEW, PERMITTING, AND PLACARDING

SECTION 302. FOOD PERMITS

302.1 General

A. It shall be unlawful for any person to operate a food facility in Allegheny **County** without first obtaining a valid **and appropriate food facility food** permit from the **Department**.

B. This **food** permit, unless suspended, shall be valid for a period of no more than **one (1)** year and for use only by the person or persons owning the business at the address given at the time of issuance. All **food** permits shall be posted in a place **easily viewable** to the public.

C. Food permits are not transferable by address, owner or change of classification. Any change of address, owner or classification shall require a new food permit. Any attempted food permit transfer shall be deemed void and shall immediately invalidate the food permit.

D. Nonprofit food facilities including, but not limited to, those listed below that use or offer food for human consumption shall be classified and permitted as determined by the Department:

- 1. A tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 501(c)(3)).**

2. A volunteer fire company or ambulance, religious, charitable, fraternal, veterans, civic, sportsmen, agricultural fair or agricultural association, or a separately chartered auxiliary of an association on a nonprofit basis.
3. An organization that is established to promote and encourage participation and support for extracurricular recreational activities for youth of primary and secondary public, private and parochial school systems on a nonprofit basis.

E. Only food facility owners or operators who comply with all applicable Department Rules and Regulations, Pennsylvania law, Federal law, and all orders issued thereunder, shall be entitled to receive and retain such a permit.

F. By accepting a food permit issued by the Department, the operator of the food facility consents to inspection of the premises by the Food Safety Program personnel during hours of operation and other reasonable times during which the facility is not open.

302.2 Classification

For the purposes of this Article, the following classifications of food facilities shall be applied:

A. Class I is a food facility that only handles commercially prepackaged non-time and temperature controlled for safety (TCS) food. Class I facilities are exempt from permitting requirements of this Article but are required to register with the Food Safety Program before operation of the retail food facility pursuant to 7 PA Code § 46.212.

1. Registration process includes:

- (a) Completion and submission of the registration application;
and
- (b) Payment of fees according to the Food Safety Fee Schedule.

2. A retail food facility that is exempted from permitting requirements under this section shall remain subject to inspections and all other provisions of this Article.

B. Class II is a food facility that only handles commercially prepackaged TCS food.

C. Class III is a food facility that handles TCS food prepared for same day service without a cooling step or that prepares non-TCS Foods.

D. Class IV is a food facility that handles TCS food with complex food preparation steps such as cooling, reheating, and hot holding.

302.3 Fees

A. Prior to receiving a food permit, each food facility owner or operator shall be required to pay applicable fees as set forth in the Food Safety Fee Schedule.

B. All fees shall be set forth in a schedule as determined by the Director upon approval from the Board of Health.

C. A single **owner or operator operating** more than one **food facility** in the same structure, shall obtain a separate food permit and pay a separate fee for each **food facility as** listed on the fee schedule.

D. Temporary food facilities shall obtain a separate temporary food permit per each temporary event and location. A temporary permit is valid for a maximum of 14 days. The temporary food permit shall act as the placard for operation of a temporary food facility.

E. Seasonal food facilities shall obtain a seasonal food permit and are not required to obtain a separate food permit for each date of operation within the season. Seasonal food facilities operating in different sites on the same day are required to obtain a separate permit for each facility. The seasonal food permit is valid for a maximum of 6 months. The seasonal food permit shall act as the placard for operation of a seasonal food facility.

F. Additional fees may be assessed for the furnishing of special services or materials that are not ordinarily provided under permit or pursuant to regulation. Such **services** may include **activities** performed outside regular departmental working hours and will be charged at a rate equal to the cost of providing the service.

G. No refunds shall be issued due to permanent or temporary termination of business.

SECTION 303. PLACARDING OF FOOD FACILITIES

303.1 General Placarding

All **permitted food** facilities shall display **a** placard provided by the Department. Placards shall be posted at all patron entrances of the food facility and drive through service windows so as to be clearly conspicuous to persons entering or obtaining food from the facility. Placards shall not be altered, concealed or removed. Removal shall only be at the direction of the Department.

303.2 "Inspected and Permitted by the Allegheny County Health Department" **placard**

All food facilities that meet the requirements of this Article shall display this placard unless subject to subsections 303.3 or 303.4 of this Article.

303.3 "Consumer Alert" placard

When the food facility fails to meet the requirements, and upon inspection has significant **high or medium risk** violations, the **Department** is authorized to post the "Consumer Alert" placard on the food facility. A food facility placarded with a "Consumer Alert" is allowed to operate for a period not exceeding ten (10) **calendar** days. The permit holder may request a reinspection, in writing, before the expiration of the ten (10) day period. An inspection shall be conducted either prior to expiration of the temporary period,

or on the tenth day to determine compliance with this Article, but no sooner than twenty-four (24) hours after the Consumer Alert placard is posted. The Department retains the right to inspect a facility within the twenty-four (24) hour period for emergency situations. Upon inspection, one of the following shall occur:

1. The "Inspected and Permitted by the Allegheny County Health Department" placard is posted, if the facility complies with the requirements of this Article;

2. The "Consumer Alert" placard remains if high or medium risk violations remain and the ten (10) day period has not expired. The facility will then be reinspected at the expiration of the temporary period at the owner's expense; or

3. The "Closed by Order of the Allegheny County Health Department" placard is posted, if the violations remain or have recurred, and the ten (10) day period has expired.

303.4. "Closed by Order of the Allegheny County Health Department" placard

It shall be unlawful to operate any food facility with a **"Closed by Order of the Allegheny County Health Department" placard**. A **"Inspected and Permitted by the Allegheny County Health Department" placard** can only be **posted** after a Department inspection has verified the correction of **the** violations **that led to the closure**.

The Department is authorized to post the "Closed by Order of the Allegheny County Health Department" placard on food facilities under any of the following conditions:

1. The Department finds at any time that conditions warrant or there is an imminent health hazard under the provisions of § 343 of this Article;

2. Upon the expiration of the Consumer Alert placard and the original violation(s) that led to the Alert remains;

3. The facility is found operating without a valid food permit;

4. The owner of a food facility, after sufficient notice, fails to allow access for inspection; or

5. The Department has provided an opportunity for a hearing under the provisions of § 344 and determines that there is a violation of any section of this Article.

SECTION 304. FOOD FACILITY PLANS and APPLICATIONS

304.1 All food facilities, shall only be constructed, extensively remodeled, or converted, in accordance with plans and specifications that are approved by the Department in writing.

304.2 Plans and Fees – Contents and Review

A. Plans and specifications must be submitted to the Department for review and approval prior to any of the following:

- 1. Whenever a food facility is to be constructed, including new developments and repurposing of a site for food operations;**
- 2. An existing structure is converted to a food facility;**
- 3. A food facility is remodeled, including but not limited to installation and use of any new major food equipment for heating, cooling, and hot and cold holding food;**
- 4. Change of ownership;**
- 5. Change of commissary; or**
- 6. Change of classification.**

B. Plans and specifications shall include:

1. A tentative menu, or types of food to be sold, stored, prepared or offered, and the following where applicable:

- (a) Anticipated volume of FOOD to be stored, prepared, and sold or served**
- (b) Consumer advisory intentions, if a consumer advisory is required,**
- (c) Food preparation steps of each food to be processed, in the case of a food processor,**
- (d) A HACCP Plan for specialized processing methods.**

2. A floor plan of the complete food facility premises that is drawn to scale that includes the following:

- (a) Property boundaries, building locations, garbage and waste oil storage, and grease interceptor, construction materials and finish schedules.**

3. A list of equipment that corresponds to the floor plan and includes the manufacturers' names, model numbers, dimensions and installation specifications;

4. A completed and signed food permit application form, obtained from the Department;

5. Payment of the appropriate fee established by the Director for the review of plans; and

6. Proof that the proprietor has applied for or received a sales and use tax license or exemption certificate from the PA Department of Revenue.

7. Other information that may be required by the Department for the proper review of the proposed construction, conversion or modification of a food facility, and requested by the Department in writing.

C. The fee for review of plans **and applications** shall be determined based on **the fee schedule**. No refunds will be given for any plan review fees whether plans are approved or disapproved.

D. The Department shall **not** approve plans **until** they meet all **requirements imposed by this Article and the Department**. Whenever plans are disapproved, the Department will respond, in writing, stating the **deficiencies** in the plans. **The applicant, after receiving the deficiencies in writing, shall submit revisions based upon the identified deficiencies.**

304.3 Pre-Operational Inspection

Whenever plans **or applications** are required under **§ 304.2** or when a food facility changes ownership, an inspection must be conducted by the **Food Safety Program** prior to operation to determine compliance with this Article. It is the responsibility of the operator to schedule the inspection. Operators shall provide at least 10 **(ten) calendar** day's notice to the Department for scheduling the pre-operational inspection. **Should a food facility fail to meet the requirements set forth in this Article for the operation of a food facility, a subsequent pre-operational inspection shall be conducted at the owner's expense according to the fee schedule.**

304.4 Temporary and Seasonal Food Facilities

A completed temporary and seasonal facility application must be submitted, with the applicable food permit fee, for all temporary **and seasonal** food **facilities. These applications** must be reviewed and approved prior to operation.

SECTION 305. INSPECTIONS

Announced and Unannounced Inspections of permitted food facilities shall be conducted on a routine basis. **Food facilities that operate on an irregular basis or schedule such as, but not limited to, caterers and mobile food facilities shall provide the Department with a schedule annually of planned or intended dates and times of operation.**

A. The frequency of **routine** inspections shall be based on the type **of operation** and prior inspection history of the food facility.

B. Reinspections **or follow-up inspections**, as deemed necessary, shall be conducted to determine if cited violations have been corrected.

C. Non-routine inspections and **HACCP Plan** evaluations may be conducted as needed, when **potential public safety hazards or public health** emergency conditions exist, **or** on a complaint basis.

D. The operator or owner shall be provided with a copy of the inspection report **upon completion of the inspection**. All reports shall be on file **and available** for public review.

E. During all inspections, operators must provide access to all pertinent records and to all areas of the premises.

SECTION 306. Temporary and Seasonal Event Registration

A. The event organizer or the responsible party for temporary or seasonal events where 5 (five) or more food facilities will be present must complete an event organizer's application for a temporary or seasonal event at least 14 business days before the expected start of the event. The application must include the following information to be processed:

- 1. Estimated number of food facilities registered for the event;**
- 2. Dates, times, and location of the event.**
- 3. Business names and contact information of expected food vendors;**
- 4. Expected number of people per day;**
- 5. Water supply plan;**
- 6. Waste and refuse disposal plan, which must comply with sections 320 and 324 of this Article;**
- 7. Electrical power supply plan;**
- 8. Contact information for the designated point of contact on the day(s) of the event.**

B. Payment of application fees shall be based on the number of registered food facilities. No refunds will be provided due to termination or cancelation of the event or a food facility's failure to attend.

C. Event organizer must designate a point of contact that shall be present at the event and available to the Department.

D. Failure to comply with this section may result in enforcement actions including, but not limited to, monetary penalties and closure orders for temporary or seasonal operators that have failed to submit timely application materials.

EQUIPMENT, UTENSILS, AND LINENS

SECTION 307. PERMISSIBLE EQUIPMENT AND MATERIALS

307.1 General

Multi-use equipment, and utensils shall be constructed and repaired with safe, non-toxic materials, including finishing materials; shall be corrosion resistant, nonabsorbent; and shall be smooth, easily cleanable, and constructed to be durable under conditions of normal use. Single-service **and single-use** articles shall be made from clean, sanitary, safe materials. Equipment,

utensils, single-service **and single-use** articles shall not impart odors, color or taste, nor contaminate food in any other manner.

307.2 Lead

Tableware and utensils, solder, flux and pewter alloys shall be lead-free, or contain levels of lead not exceeding the recommended limits for food-contact surfaces as stated in § 4-101.13 of the Model Food Code (MFC).

307.3 Wood

Hard maple or equivalent nonabsorbent **close-grained** wood may be used for cutting boards, bakers' tables, **rolling pins, doughnut dowels,** salad bowls, **and wooden paddles that are subject to 230°F or above.** Wood may also be used for single-service articles, such as chopsticks, stirrers, or ice cream spoons. Wood shall not be used as a food-contact surface under other circumstances. Pressure **or chemically** treated lumber or other similar material is prohibited on exposed surfaces in food preparation, food storage, and utensil washing areas. **Food that requires removal of rinds, peels, husks, or shell may be stored in treated wood if it meets the requirements of 21 CFR § 178.3800 Preservatives for wood.**

307.4 Plastics and Rubber Materials

Approved plastic, rubber, or rubber-like materials that are resistant under normal conditions to scratching, scoring, decomposition, crazing, **chipping,** and distortion; that are of sufficient weight and thickness, to permit cleaning and sanitizing by normal warewashing methods; and which meet the general requirements set forth in previous sections of this Article, are permitted for repeated use.

307.5 Cutting Surfaces

When cutting surfaces can no longer be effectively cleaned and sanitized due to scratching or scoring, these surfaces shall be repaired or replaced.

307.6 Single-Service and Single-Use Articles

Single-service **and single-use** articles shall not be reused.

307.7 Mollusk and Crustacea Shells

Mollusk and crustacea shells may not be used more than once as serving containers.

307.8 Cast Iron

Cast iron may be used as a cooking surface Cast iron may only be used as a utensil for serving food if the utensil is used only as part of an uninterrupted process from cooking through service.

307.9 Galvanized Metal

Galvanized metal may not be used in contact with acidic food.

307.10 Copper

Copper and copper alloys may not be used in contact with food that has a pH below 6, or for installation between a backflow prevention device and a carbonator. Copper and copper alloys may be used in contact with beer brewing ingredients in the pre-fermentation and fermentation steps of a brewing operation.

307.11 Perfluorocarbon resin

Only non-scoring or non-scratching utensils and cleaning aids shall be used with multi-use kitchenware that has a perfluorocarbon resin coating.

307.12 Sponges

Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

307.13 Food temperature measuring

Food temperature measuring devices shall not have sensors or stems constructed of glass that are not encased with a shatterproof coating.

SECTION 308. EQUIPMENT AND MATERIALS DESIGN, AND FABRICATION

308.1 General

All equipment and utensils shall be maintained in good repair to comply with the requirements of this Article. All equipment and utensils, including plastic-ware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping, **cracking**, and crazing.

A. Equipment that is certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program, such as the National Sanitation Foundation (NSF) is deemed to comply with § 307 and § 308 of this Article.

B. food-contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult-to-clean internal corners and crevices. **Container closures and the threads of connectors** shall be designed to facilitate cleaning; "V"- type threads are prohibited **on** food-contact surfaces, **with the exception of** hot oil cooking equipment or hot oil filtering systems.

C. Equipment containing bearings and gears requiring lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces. Equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces shall use food grade lubricants **that meet the requirements of 21 CFR § 178.3570, Lubricants with incidental food contact.**

D. Tubing conveying beverages or beverage ingredients to dispensing heads may **not** be in contact with stored ice **intended for consumption except for cold plates that are constructed integrally with an ice storage bin.** Drainage or drainage tubes from dispensing units shall not pass through **an** ice machine or **an** ice storage bin.

E. Sink drain boards shall be sloped to be self-draining. All utensil **and warewashing** sinks must have at least one properly installed drain board.

308.2 Accessibility

Food-contact surfaces shall be accessible for cleaning and inspection, unless designed to be Cleaned in Place (CIP):

- A. Without being disassembled;
- B. By disassembling without the use of tools; or
- C. By easy disassembling with the use of only simple tools, such as **pliers**, screwdrivers, or open-end wrenches which are kept near the equipment.

308.3 Cleaned in Place (CIP)

Equipment intended **to be CIP** shall be so designed and fabricated that:

- A. Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and
- B. Cleaning and sanitizing solutions will contact all interior food-contact surfaces;
- C. The system is self-draining or capable of being completely evacuated **of cleaning and sanitizing solutions; and**

D. Designed with inspection access points to ensure that all interior food-contact surfaces are being effectively cleaned, if the equipment is not capable of being disassembled.

308.4 Non-Food-contact Surfaces

Surfaces of equipment not intended for contact with food, but which are exposed to splash or FOOD debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, **corrosion-resistant**, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of such material and in such repair as to be easily maintained in a clean and sanitary condition.

308.5 Microwave ovens

Microwave ovens shall meet the safety standards specified in 21 CFR § 1030.10 Microwave ovens.

308.6 Dishwashing Machines

A. Dishwashing machines shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operation specifications.

B. Dishwashing machines shall be equipped with a temperature measuring device that indicates the temperature of the water in each wash and rinse tank and as the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

C. Dishwashing machines that provide a fresh hot water sanitizing rinse shall be equipped with a pressure gauge or similar device that measures and displays the water pressure in the supply line immediately before entering the dishwashing machine.

308.7 Food Temperature Measuring Devices

Suitable metal probe-type numerically scaled indicating thermometers, or other approved temperature measuring devices shall be provided, readily accessible, and used to assure the attainment and maintenance of proper internal cooking, reheating, cooling, holding, or refrigeration temperatures of all TCS FOOD. Such thermometers shall be clean, properly calibrated, provide a minimum range of 0°F -220°F in increments no greater than 2°F, and be accurate according to the following:

1. Accurate to ±1°C if scaled in Celsius, or dually scaled in Celsius and Fahrenheit; or

2. Accurate to ±2°F if scaled only in Fahrenheit.

SECTION 309. EQUIPMENT INSTALLATION AND LOCATION

309.1 Location

A. Equipment must be installed as to be easily cleanable and to permit the easy cleaning of the surrounding areas.

B. Food equipment shall not be located under exposed, unshielded sewer **and wastewater** lines, **leaking** water lines, water lines on which condensed water **has accumulated**, open stairwells, or other sources of contamination, except for automatic fire protection sprinkler heads that may be required by law.

C. Equipment shall be located so that aisles, working spaces between pieces of equipment, and working spaces between equipment and walls are unobstructed and sufficient to permit **cleaning and maintenance, and for food workers** to perform their duties without contaminating food and food-contact surfaces.

309.2 Installation

A. Counter and Table-mounted equipment:

1. shall be installed to permit cleaning of the equipment and adjacent areas; **and**

2. unless **easily movable**, shall be sealed to the table **or counter**, or elevated on legs that provide at least a 4-inch clearance between the table and the equipment.

B. Floor-mounted equipment:

1. Unless easily movable, shall be sealed to the floor or elevated on legs that provide at least a 6-inch clearance between the floor and the equipment.

2. Display shelving units, refrigeration units, and freezer units are exempt from this requirement if they are installed so that the floor beneath the units can be cleaned.

C. Spacing for fixed equipment: unless there is space that will permit **food worker** access for cleaning alongside, behind, and above a unit of fixed

equipment, the space between it and adjoining equipment, walls and ceilings shall be sealed if more than 1/32 inch.

SECTION 310. UTENSIL HANDLING AND STORAGE

310.1 Handling

Cleaned and sanitized utensils shall be handled **by food workers** in a way that protects them from contamination. Spoons, knives, and forks shall be touched only by their handles. Cups, glasses, bowls, plates and similar items shall be handled without touching food-contact surfaces. **Soiled tableware shall be removed from consumer areas and handled so that clean tableware is not contaminated.**

310.2 Storage

A. Cleaned and sanitized utensils and **Single-service and single-use articles** shall be stored:

- 1. At least 6 inches above the floor;**
- 2. In a clean, dry location;**
- 3. Protected** from splash, dust, and other **contamination; and**
- 4. Not placed under exposed sewer lines or leaking** water lines, except for automatic fire protection sprinkler heads that may be required by law.

B. **Cleaned and sanitized** utensils shall be air dried before being stored or shall be stored in a self-draining position.

C. Glasses and cups shall be stored inverted, wherever practical. Facilities for the storage of knives, forks, and spoons shall be designed and used to present the handle to the **food worker** or consumer.

310.3 Single-Service and Single-Use Articles

A. Single-service **and single-use articles** shall be handled and dispensed in a manner that prevents contamination of **the food-contact surface** or with the mouth of the user.

B. Single-service knives, forks and spoons PACKAGED in bulk shall be inserted into holders or be wrapped by **food workers** who have washed their hands **and donned gloves** immediately prior to sorting or wrapping the utensils.

310.4 Prohibited Storage Area

The storage of food equipment, utensils or single-service **and single-use** articles in toilet rooms or their vestibules, garbage rooms, mechanical rooms, **locker rooms, open stairwells or where there are any other sources of contamination** is prohibited. **Laundered linens, single-service, and single-use articles that are packaged, or stored in a closed cabinet, may be in a locker room.**

SECTION 311. CLEANING AND SANITIZING OF EQUIPMENT AND UTENSILS

311.1 General

Equipment, food-contact surfaces, and utensils shall be clean to sight and touch. The food-contact surfaces of cooking equipment shall be kept free of encrusted grease deposits and other soil accumulations. Non-food-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

311.2 Cleaning Frequency

A. To prevent cross-contamination, **utensils** and FOOD-contact surfaces of equipment shall be **cleaned in accordance with § 311.4 or § 311.5 of this Article. This practice shall be done after each use, between foods requiring different cooking temperatures, and following any interruption of operations, during which time, contamination may have occurred.**

B. Where equipment and utensils are used for the preparation of **TCS food** on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be washed, rinsed and sanitized at **least every 4 hours.** **Cleaning and sanitizing at a time interval other than every 4 hours** shall be based on **ambient temperature,** food temperature, type of food, and amount of food particle accumulation **as stated in § 4-602.11 of the MFC.**

C. **The food-contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil.** The food-contact surfaces of grills, griddles, **cooking and baking equipment,** and similar cooking devices; **beverage dispensers; and areas subject to food debris and splashes, such as** the cavities and door seals of microwave ovens; shall be cleaned at least once a day. **Except that this shall not apply to hot oil cooking equipment and hot oil filtering systems.**

D. Consumer self-service equipment, such as condiment dispensers and display containers for non-TCS foods, shall be cleaned and sanitized before restocking.

E. Non-food contact surfaces of equipment shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

311.3 Wiping Cloths

A. Cloths used for wiping tableware, plates, or bowls being served to the consumer, shall be clean, dry, and used for no other purpose.

B. Moist cloths while being used for wiping food spills on kitchenware, food-contact and non-food-contact surfaces of equipment, shall be clean and rinsed frequently in one of the sanitizing solutions permitted in Section 312.3(E) and used for no other purpose. These cloths shall be stored in the sanitizing solution between uses **and laundered daily.**

C. Moist cloths in-use for wiping surfaces in contact with raw animal-derived foods shall be kept separate from cloths used for other purposes while in use.

311.4 Manual Cleaning and Sanitizing

A. Equipment and utensils shall be pre-flushed or pre-scraped and, when necessary, pre-soaked to remove food particles and soil.

B. Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing and sanitizing shall be conducted **according to** the following sequence:

1. Sinks shall be cleaned prior to use;
2. **Pre scraped** equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution, **at least 110F,** that is kept clean;
3. Equipment and utensils shall be rinsed free of detergent and abrasives in clean water in the second compartment;
4. Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in **§ 311.4(E) (1)-(6); and**
5. Equipment and utensils shall be air dried.

C. The food-contact surfaces of all equipment and utensils shall be sanitized **based upon pH of the solution** by:

1. Immersion for at least thirty **(30)** seconds in clean, hot water at a temperature of at least 171°F;
2. Immersion for at least ten **(10)** seconds in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and having a temperature of at least 75°F;
3. Immersion for at least thirty **(30)** seconds in a clean solution containing 12.5 - **25** parts per million of available iodine and having a temperature of at least **68**°F;

4. Immersion for at least thirty (30) seconds in a clean solution having a concentration of quaternary ammonium compound as indicated by the EPA-registered label use instructions and having a minimum temperature of at least 75°F;

5. Treatment with steam free from materials or additives other than those specified by the U.S. Food and Drug Administration (**FDA**) in the Code of Federal Regulations in the case of equipment too large to be sanitized by immersion but in which steam can be confined; or

6. Immersion, rinsing, spraying or swabbing with a clean solution containing any other chemical sanitizing agent allowed by the FDA in the 21 CFR § 178.1010, when evaluated to yield adequate SANITATION.

D. When hot water is used for sanitizing **in manual warewashing,** the following facilities shall be provided and used:

1. An integral heating device or fixture installed in or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 171°F; and
2. A numerically scaled indicating thermometer accurate to $\pm 3^{\circ}\text{F}$ or $\pm 1.5^{\circ}\text{C}$ convenient to the sink that can be used for frequent checks of water temperature; and
3. Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, **utensils** and equipment in the hot water.

E. Fixed equipment and utensils too large to be cleaned in a sink compartment shall be cleaned and sanitized manually, through pressure spray methods, in a warewashing machine, or an alternative method as specified in § 4-301.12 of the MFC.

311.5 Mechanical Cleaning and Sanitizing

A. Cleaning and sanitizing may be done by spray-type or immersion dishwashing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils. Such machines and devices shall be properly installed and maintained in good repair. Machines and devices shall be operated in accordance with the manufacturer's instructions, and utensils and equipment placed in the machine shall be exposed to all dishwashing cycles. Automatic detergent and wetting agent dispensers, and liquid sanitizer injectors, if any, shall be properly installed and maintained. All mechanical cleaning and sanitizing equipment **should** comply with NSF **or ANSI** Standards.

B. Operation and efficacy of mechanical cleaning and sanitizing equipment should be tested at least daily.

311.6 Air Drying

All equipment, tableware and utensils shall be air-dried **on a non-absorbent clean surface after sanitation.**

311.7 Sanitization Monitoring

When chemicals are used for sanitizing, they shall not have concentrations higher than the maximum permitted by the **FDA** Code of Federal Regulations **and shall be used in accordance with the label-use instructions registered with the U.S Environmental Protection Agency (EPA)**. Test strips, a test kit, or other device that accurately measures the parts per million concentration of the solution shall be provided and used. When hot water is used for sanitizing, heat sensitive tapes **or other approved measuring device** shall be provided and used to monitor final **sanitation** temperature.

PHYSICAL SITE

SECTION 312. FLOORS, WALLS, AND CEILINGS

312.1 General

Floors, walls and ceilings shall be kept clean and maintained in good repair.

312.2 Construction

A. Floors, **walls, and ceilings** of all food preparation, food storage, and warewashing areas; dressing rooms; locker rooms; toilet rooms and vestibules shall be constructed of smooth, durable, **easily cleanable** material. Concrete or pumice blocks and bricks used in these locations shall be finished and sealed to provide a smooth easily cleanable surface.

B. The surfaces of food preparation areas, warewashing areas, toilet rooms, walk-in refrigerators, and other areas subject to moisture under normal conditions shall be nonabsorbent. Studs, joists, and rafters shall not be exposed in areas subject to moisture accumulation.

C. In all facilities utilizing concrete, terrazzo, quarry tile, ceramic tile, or similar flooring materials, or where water flushing cleaning methods are used, the junctures between walls and floors shall be coved and SEALED. In all other cases, the juncture between walls and floors shall be covered so as not to present an open seam of more than 1/32 inch (**1 mm**).

312.3 Utility Line Installation

Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor, **walls, or ceiling**. In all new or extensively remodeled **food facilities**, installation of exposed horizontal utility service lines and pipes on the floor is prohibited.

312.4 Attachments

Light fixtures, vent covers, mounted fans, decorative materials, and similar attachments to walls and ceilings shall be easily cleanable and shall be maintained in good repair. Attachments and decorative materials in a consumer area must be maintained clean.

312.5 Carpeting

Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleaned, and maintained in good repair. Carpeting shall not be used in **areas subject to moisture**.

312.6 Mats and Duckboards

Mats and duckboards shall be of nonabsorbent, grease resistant materials and of such size, design, and construction to facilitate cleaning and shall be maintained **clean and** in good repair.

312.7 Prohibited Floor Covering

Sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials shall not be used as floor coverings; however, these materials may be used in amounts necessary for immediate spot clean-up of spills or drippage on floors and shall be readily removed.

SECTION 313. VENTILATION

313.1 General

A. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapor, **malodorous scents**, smoke and fumes. Ventilation systems shall be installed and operated according to law and, when

vented to the outside, shall not create a nuisance nor an unsightly, harmful or unlawful discharge.

B. Intake and exhaust air ducts shall be **designed, installed and** maintained to prevent the entrance of dust, dirt, and other contaminating materials.

313.2 Specific Ventilation Requirements

A. Ventilation systems designed for installation over cooking and dishwashing equipment shall be **installed and maintained in accordance with the most current International Mechanical Code and Fire Code adopted by the Commonwealth of Pennsylvania and as directed by the Local Municipality in which the facility is located.**

B. Ventilation hoods and devices shall be designed to prevent grease or condensate from draining or dripping into food or onto food preparation surfaces, equipment, utensils, clean linens, and single-service and single-use articles; and from collecting on the walls and ceilings.

C. Filters, where required or used, shall be readily removable for cleaning or replacement.

D. Toilet rooms must be ventilated to the outside by APPROVED mechanical means, a fully operational **screened** window or, if access **to the outside** is not available, an APPROVED ventless unit.

E. Carbon Monoxide producing devices such as water heaters and dryers must be provided with adequate ventilation in accordance with Article XII "Carbon Monoxide".

SECTION 314. LIGHTING

All areas of a food facility shall be well- **lit** by permanently fixed artificial light sources:

A. At least **50** foot candles of light shall be provided **at a surface where a food worker is working with food or working with utensils or equipment, such as knives, slicers, grinders or saws where food worker safety is a factor.**

B. At least 20 foot candles shall be provided at a surface where food is provided for consumer self-service, display or sales; inside equipment, such as reach-in coolers; and at a distance of 30 inches measured above the floor in areas used for handwashing, warewashing, equipment and utensil storage, and in toilet rooms.

C. At least **10** foot candles, to be measured at a distance of 30 inches from the floor, shall be provided in walk-in refrigerating units, dry storage, dressing rooms, garbage/refuse storage areas **and in other areas and rooms during periods of cleaning.**

D. Light bulbs shall be shielded, coated, or otherwise shatter-resistant for all artificial lighting fixtures located over, by or within food storage, preparation, service and display areas, **or where there is exposed food;**

clean linen storage; and facilities where utensils and equipment are cleaned and stored, except for areas in which commercially packaged food is stored where the integrity of the package will not be affected by broken glass.

E. Infrared or other type heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

SECTION 315. GENERAL PREMISES

315.1 General

A. All parts of the **premises** shall be **kept clean and maintained, free from rubbish, refuse, dust, and dirt** and **free of** articles not essential to the operation or maintenance of the facility.

B. The surfaces of all exterior areas of the food facility shall be constructed to facilitate maintenance and minimize dust. These surfaces shall be graded to facilitate drainage and eliminate pooling.

C. Perimeter walls and roofs shall effectively protect the facility from the weather and shall be constructed of weather-resistant materials.

315.2 Living Areas

Living or sleeping quarters shall not be maintained in any room used for food storage or preparation. Food service operations shall be separated from any living or sleeping quarters by complete partitioning, such as solid, self-closing doors.

315.3 Laundry Facilities

A. Laundry facilities in a food facility shall be restricted to the washing and drying of linens and work clothes used in the operation. If such items are laundered on the premise, an electric or gas dryer shall be provided and used.

B. Separate rooms shall be provided for laundry facilities except that such operations may be conducted in storage rooms containing only pre-packaged foods or packaged single-service articles.

315.4 Dressing Rooms and Locker Areas

If food workers routinely change clothes within the facility, rooms shall be designated for that purpose. These designated rooms shall not be used for food preparation, warewashing, or for the storage of food, equipment, utensils, clean linens, single-service articles, or single-use articles.

315.5 Lockers

Suitable and sufficient number of lockers or other approved facilities shall be provided for the orderly storage of food worker clothing and other belongings. Such lockers or other approved facilities shall be maintained clean and in good repair and shall not be located in any room or area where food is prepared, manufactured, or packed.

315.6 Linens and Work Clothes Storage

A. Clean linens **and clothes**, including wiping cloths, shall be stored in a clean place, in an orderly manner and protected from contamination until used.

B. Soiled work clothes and linens, including wiping cloths, shall be kept in nonabsorbent containers or washable laundry bags until routinely removed for laundering, and shall be stored to prevent **the** contamination of food, equipment, utensils, **clean linens, single-service articles, and single-use articles.**

315.7 Cleaning Equipment Storage

Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar equipment shall be maintained in good repair and **shall be stored to prevent the contamination of** food, equipment, **utensils, clean linens, single-service articles, or single-use articles** and shall be stored in an orderly manner to facilitate the cleaning of **the** storage location. Mops and brooms shall be stored off the floor **and, in a position** to facilitate drying **and prevent soiling walls, equipment, or supplies.**

SECTION 316. ANIMALS IN FOOD FACILITIES

316.1 General

A. Live animals shall be excluded from the **premises of a** food facility. **This exclusion does not apply to the following:**

1. Edible fish, crustacea, shellfish, or decorative fish in aquariums.

2. Live or dead fish bait if stored separately from FOOD; equipment, utensils, clean linens, single-service articles or single-use articles.

3. Service animals accompanying and under the control of persons with disabilities in patron areas, in accordance with 28 CFR § 35.136 and Laws of the Commonwealth.

4. Pets in the common dining areas of nursing homes, assisted living facilities, group homes, or residential care facilities during non-food service times and if the contamination of food contact surfaces is prevented.

5. Pets in pet friendly areas of a retail food facility, with prior approval by the Department in accordance with § 316.2 below.

6. Dogs accompanying law enforcement that are conducting official duties.

7. Sentry dogs in outside fenced areas.

B. While on duty, persons employed in the food operational areas of a facility shall not care for or handle any **service animals or pets.**

316.2 Pet Friendly Areas

Retail food facilities that allow pets on the premises shall adhere to the following:

1. Provide a separate entrance from the outside of the retail food facility to the pet area so that a pet will have direct access to the pet area without entering the non-pet areas of the retail food facility.
2. Post a sign at the front entrance of the retail food facility so that it is easily visible to the public. The sign must state: "Pet Friendly Area: Pets may only access the designated area." The sign shall also include "To report violations, contact Allegheny County Health Department Food Safety Program 412-578-8044."
3. Provide self-closing doors at all entrances to the pet friendly area from the interior of the retail food facility.
4. Limit food preparation to beverage service only in the pet friendly area.
5. Provide hand sanitizer to patrons in the pet friendly area
6. Maintain the area free of visible hair, dander, and other pet-related waste or debris. Appropriate materials for this purpose shall be kept near the designated area. Dedicated equipment used to clean the area must be kept outside.
7. Prohibit food workers, while on duty, from unnecessary physical contact with any pet.
8. Ensure that all dogs are kept on a leash and remain in the control of the patron while in the pet friendly area. All dogs must have proof of current rabies vaccination and a current license issued by the local jurisdiction, as applicable.
9. Report any human bite from a pet to the Allegheny County Health Department Infectious Disease Program (412) 578-8062.
10. Prevent pets from being placed on seats, tables, countertops, or any other surface that patrons use in the area.
11. Prevent pet contact with any utensils or equipment used for food service or preparation.
12. Water for dogs may be provided by the retail food facility in disposable containers only.

SECTION 317. INSECTS, RODENTS, AND PEST PREVENTION AND MANAGEMENT

317.1 General

Effective and approved measures shall be utilized to minimize the entry of rodents, flies, cockroaches, or other vermin **and pests**. The premises shall be maintained **in a condition to prevent the entrance, harborage and feeding of insects, rodents and other pests**. **Dead or trapped vermin**

shall be removed at a frequency that prevents their accumulation, decomposition or attraction of pests.

317.2 Openings

Outdoor openings shall be effectively protected against the entry of rodents, **birds**, insects **and other pests as specified in § 6-202.15 of the MFC**, by **solid**, tight-fitting, self-closing doors; closed windows; screening; controlled air currents; or other **effective** means. Screen doors shall be self-closing. **Screens for windows, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of breaks.** Screening material shall be not less than 16 mesh to the inch. **This subsection does not apply if flying insects and other pests are absent due to the location of the food facility, the weather, or other limiting conditions unique to the facility.**

317.3 Pest Control Services

The services of a licensed pest control operator shall be required when a food facility has evidence of rodent or insect activity to the extent that rodent droppings are visible, or live insects are seen during an inspection. The food facility shall maintain records of the pest control operator's services on file for inspection for at least one year.

SECTION 318. POISONOUS AND TOXIC MATERIALS

318.1 General

A. There shall be present in **a** food facility only those **approved** poisonous or toxic materials necessary for operating and maintaining the facility; for cleaning and sanitizing equipment and utensils; **for use in laboratory testing procedures**; and for controlling insects and rodents.

B. **Packaged products offered for retail sale are exempt from this subsection.**

318.2 Container Labeling

All containers of poisonous or toxic materials shall be prominently and distinctively marked or labeled for easy identification of contents. This shall include **reusable** containers **such as spray bottles.**

318.3 Storage

A. Poisonous **or** toxic materials shall not be stored above or adjacent to food, equipment, utensils, **clean linens, warewashing stations** and drainboards, or single-service **articles, or single-use articles.** This requirement does not prohibit the convenient availability of detergents and sanitizer at **warewashing stations provided they are stored in a manner that prevents contamination.**

B. **Packaged** poisonous or toxic materials **offered** for retail sale shall not be kept above or adjacent to food, **equipment, utensils, clean linens,** single-service **articles, or single-use** articles.

318.4 Use

A. Poisonous or toxic materials shall not be used in any way that contaminates food, equipment, utensils, **clean linens, single-service articles, or single-**

use articles; nor in any way that constitutes a hazard to **food workers** or other persons; nor in any way other than in full compliance with the manufacturer's labeling **and law**.

B. Restricted use pesticides shall be applied only by a certified applicator.

C. Re-use of containers previously used to store poisonous or toxic materials is prohibited, except for the storage of the same product dispensed from bulk supply.

D. Bait stations shall be tamper-resistant **and** covered to prevent spillage and scattering of poisonous material. **The use of loose or liquid bait, including packaged "place packs", is prohibited.**

E. Toxic tracking materials shall not be used in food **facilities**. **A nontoxic tracking powder such as talcum or flour may be used in a way that does not contaminate food, equipment, utensils, clean linens, single-service articles, or single-use articles.**

F. Bactericides, cleaning compounds, or other compounds intended for use on food contact surfaces shall not be used in any way that leaves a toxic residue on such surfaces or that constitutes a hazard to **food workers** or other persons.

318 .5 Personal Health Aids and Cosmetics

A. First aid supplies shall be stored in a labeled kit or container and shall not be stored adjacent to or above food, **equipment, utensils, clean linens, single-service articles, or single-use articles.**

B. Only those medications necessary for the health of **food workers** may be present. Medications shall not be stored adjacent to or above food, **equipment, utensils, clean linens, single-service articles, or single-use articles.** Medication that requires refrigeration shall be double-packaged, properly labeled, and stored on the bottom shelf.

C. Cosmetics and **personal care items** shall **bear a legible label and shall not be stored adjacent to or above food, equipment, utensils, clean linens, single-service articles, or single-use articles.**

D. **Packaged** first aid supplies, medicines, and cosmetics **offered** for retail sale shall not be stored adjacent to or above food, **equipment, utensils, clean linens, single-service articles, or single-use articles.**

WATER, PLUMBING, AND WASTE

SECTION 319. WATER SUPPLY

Sufficient potable water for the needs of the food facility shall be provided from an approved source. **Only potable water shall be used in contact with food or food-contact surfaces.**

A. All potable water not provided by pipe to any permanent food facility from the source shall be delivered in an approved bulk-water transport system and to an approved closed water system.

B. Bottled and packaged potable water shall be obtained from an approved source and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container. This water supply cannot be used as a primary and permanent source.

C. Hot and cold water under pressure shall be provided to all applicable fixtures, and **food and non-food** equipment that use water, **and meet the peak water demands throughout the food facility.**

D. Drinking water systems shall be flushed and disinfected before being placed into service, after construction, repair or modification, seasonal shut down, or after an emergency situation.

E. Drinking water from non-public water systems shall meet the standards for public drinking water established in 25 Pa. Code Chapter 109 (Safe Drinking Water); maintenance and operation requirements; and shall be sampled as a transient non-community public water system that serves 25 people daily or as directed by the Pennsylvania Department of Environmental Protection (DEP). All analytical work must be performed according to law and the reports must be retained on file at the food facility.

SECTION 320. SEWAGE AND WASTEWATER

All sewage **and wastewater** shall be disposed of in accordance with **laws of the Commonwealth of Pennsylvania and the Allegheny County Health Department Article XIV, "Sewage Disposal"**.

SECTION 321. PLUMBING

A. Plumbing, plumbing fixtures and devices, shall be properly maintained and installed according to the Allegheny County Health Department **Article XV, "Plumbing Code"**.

B. Backflow and back siphonage shall be prevented by methods approved by the Allegheny County Health Department Article XV, "Plumbing Code".

C. All food facilities that handle or prepare food must have at least one (1) sink with at least three (3) compartments. Sinks must meet NSF, ANSI, or equivalent standards. Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils intended to be cleaned in a sink.

D. At least one (1) service sink or curbed cleaning facility with a floor drain shall be provided in accordance with Article XV "Plumbing Code" and used for the cleaning of mops, maintenance tools, obtaining mop water, and disposal of mop water or similar liquid wastes.

E. The use of food preparation sinks, handwashing sinks, toilets, or warewashing equipment, for the disposal of such wastes is prohibited.

SECTION 322. TOILET ROOMS

322.1 Toilet Room Location and Design

A. Toilet rooms shall be convenient and adequate according to this Article.

Toilet rooms for food workers shall be accessible during all hours of operation and from inside of the building.

B. Toilet rooms for patrons cannot be accessed through food preparation, **warewashing**, food **storage, or utensil** storage areas.

C. To minimize the potential for the spread of disease between the toilet facility and food preparation areas toilet rooms shall be completely enclosed and have tight fitting, self-closing, solid doors, which shall be **kept** closed except during cleaning or maintenance. **The doors of toilet rooms shall not open directly into any room where food, beverages, or utensils are prepared handled or stored, except where alternate means have been taken to protect against such contamination such as double doors or negative air-flow systems.**

322. 2 Toilet Room Maintenance

Toilet **rooms and** fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times.

A. All toilet rooms shall have at least one easily cleanable covered waste receptacle for refuse materials.

322.3 Toilet Room Fixtures

The minimum number of toilet room fixtures shall conform to the Allegheny County Health Department **Article XV, "Plumbing Code"**.

322.4 Toilet Room Number and Type

A. The number and type of toilet rooms shall conform to the Allegheny County Health Department Article XV, "Plumbing Code". Any food facility which was constructed prior to October 4, 1976 **and maintained in its original intent and configuration** is exempt from this **subsection**.

B. Non-sewered toilet (NST) systems shall conform to the Allegheny County Health Department Article XIV, "Sewage Disposal".

SECTION 323. HANDWASHING SINKS

A. Handwashing sinks shall be installed properly and **according to** the Allegheny County Health Department **Article XV, "Plumbing Code"**.

B. Sufficient handwashing sinks as determined by the **Department** shall be convenient to the food preparation, **food dispensing, warewashing** areas, and available for use by all **food workers**.

C. Handwashing sinks located in or near each food preparation, processing, and utensil washing area, and in or adjacent to all toilet rooms, shall be accessible at all times.

D. Handwashing sinks shall not be used for food preparation or washing of equipment and utensils.

E. Handwashing sinks shall be provided with hot and cold running water **provided through an approved water-temperature limiting device or combination faucet. Steam mixing valves are prohibited. The hot water shall be provided at a temperature of at least 100°F. Handwashing sinks in public areas or accessible to children in child day care centers may not exceed 110°F.**

F. Any self-closing or metering faucet shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. G. A supply of hand cleaning soap or detergent shall be conveniently located near each handwashing sink. A supply of **individual, disposable** towels or a hand drying device providing heated air, shall be conveniently located near each handwashing sink. Common towels are prohibited. If disposable towels are used, **nonabsorbent** easily cleanable waste receptacles shall be conveniently located near the handwashing sinks.

H. Handwashing sinks, soap dispensers, hand drying devices and all related fixtures shall be kept clean and in good repair.

I. Sufficient notices shall be conspicuously posted above or near handwashing sinks directing all **food workers** to thoroughly wash their hands.

J. Hand antiseptics may be used to supplement proper handwashing and do not replace proper handwashing required by food workers.

K. A minimum of one (1) handwashing station or hand antiseptic station must be provided where NSTs are used. Handwashing stations or hand antiseptic stations must be provided at a ratio of one (1) handwashing station or hand antiseptics stations to every five (5) NSTs for use by the public.

SECTION 324. GARBAGE AND REFUSE, RETURNABLE ITEMS AND RECYCLABLES

324.1 General

Garbage and refuse shall be stored, handled, and disposed of in a manner that protects food and food-contact surfaces from contamination, and does not create a condition conducive to pests, a nuisance, or violate any other section of this Article.

324.2 Receptacles

A. Receptacles shall be durable, easily cleanable, insect-resistant, and rodent-resistant containers that do not leak or absorb liquids. Receptacles shall be provided with tight-fitting lids, doors, or covers which shall be kept closed when not in continuous use, during nonworking hours, and after they are filled.

B. There shall be a sufficient number of receptacles to hold all the garbage and refuse that accumulates between scheduled removal.

C. Soiled receptacles shall be cleaned at a frequency to prevent insect and rodent attraction and minimize odors. Liquid waste from compacting or cleaning operations shall be disposed of as sewage. Receptacles designed with drains shall always have the drain plugs in place, except during cleaning.

324.2 Storage Areas

A. Storage areas shall be of sufficient size to store all garbage and refuse and maintained clean.

B. Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, **and** washable materials.

C. Outside storage areas or enclosures shall **have** a smooth **ground** surface of nonabsorbent material, such as concrete or asphalt.

MANAGEMENT AND PERSONNEL

SECTION 325. CERTIFIED FOOD PROTECTION MANAGERS

A. **All food facilities where TCS FOOD is prepared or handled in Allegheny County shall have at least 1 (one) Certified Food Protection Manager (CFPM) present and serving as the Person in Charge at all times when TCS food is being prepared or handled.**

B. When there is more than one building or location involved, each location where food preparation occurs shall have a **CFPM on site** while operating.

C. The Department shall recognize certification programs including examinations developed under those programs that are evaluated and listed by an accrediting agency that has been recognized by the Conference for Food Protection as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Program.

Section 326. RESPONSIBILITIES AND SUPERVISION

326.1 General

The food facility operator shall develop and maintain written records and policies required by this Article and the MFC, to include, but not limited to:

- 1. Clean-up of vomiting and diarrheal events,**
- 2. Time as Public Health Control in accordance with § 333.2,**
- 3. Non-continuous cooking of raw animal-derived foods in accordance with § 333.3(D),**
- 4. HACCP Plans in accordance with § 336 (if required),**
- 5. Grease interceptor cleaning and service schedule, and**
- 6. Major food allergen control plans.**

326.2 Designation of Person in Charge

The food facility operator shall be the Person in Charge or shall designate a Person in Charge. A Person in Charge shall be present at the food facility during all hours of operation for Class II, Class III, and Class IV facilities.

326.3 Responsibilities of the Permit Holder regarding a Certified Food Protection Manager

A. All food facilities where TCS food is prepared or handled shall employ the number of CFPMs as required by § 325 of this article.

B. A new permit holder shall employ CFPM(s) within 90 days of the initial food permit issuance by the Allegheny County Health Department.

C. When the CFPM is no longer employed or is no longer acting as a CFPM at the food facility and the facility lacks at least 1 (one) CFPM, the permit holder shall employ a replacement CFPM within 30 days of the employment termination date. The permit holder shall notify the Department in writing within 5 working days that the facility lacks a Certified Food Protection Manager.

D. All food facilities shall maintain records of the names and certificate numbers of its CFPM(s) and make them available for inspection by the Department.

326.4 Duties of Person in Charge

The Person in Charge shall comply with the requirements of this Article by:

- 1. Having no high-risk violations during the current inspection; and upon request**
- 2. Demonstrating to the Department knowledge of food safety practices, foodborne disease prevention, and application of the HACCP principles;**
- 3. Being a CFPM as specified in § 325;**
- 4. Ensuring that food workers are properly trained and employing good personal hygiene;**
- 5. Being aware of the responsibility to report illness and exclude or restrict food workers accordingly, as specified in § 328;**
- 6. Being aware of food allergens as it relates to their duties and training staff in proper processes and procedures; and**
- 7. Reporting to the Department if the permit holder is unavailable or an emergency occurrence as stated in § 326.7.**

326.5 Responsibilities of Certified Food Protection Managers

The CFPM shall maintain certification by demonstrating food safety knowledge by successfully completing the certification exam prior to the expiration date listed on the certificate.

326.6 Access

After the Department representative presents identification, the Person in Charge shall allow the Department to determine if the food facility is in compliance with this Article to which the Department is entitled under Act 315 by:

A. Allowing access to the facility;

B. Allowing inspection during hours of operation and other reasonable times during which the facility is not open; and

C. Providing information and records relating to facility operations.

326.7 Emergency Occurrences

In the event of a fire, flood, **sewage back-up**, power outage of two **(2)** or more hours, **lack of potable water**, alleged foodborne or waterborne illness outbreak of two (2) or more people, **a food worker with reportable symptoms or diagnoses specified in § 328**, or similar event that might result in the contamination of food, the permit holder or the Person in Charge shall immediately contact the Department. Upon receiving notice of **such an** occurrence, the Department shall take **appropriate actions to** protect the public health, **which include, but are not limited to, suspension and revocation of the food permit.**

SECTION 327. PERSONAL CLEANLINESS AND FOOD WORKER PRACTICES

327.1 Handwashing and Glove Use

A. Food workers shall only wash their hands in designated handwashing sinks. Handwashing is not permitted in sinks used for food preparation, or for washing equipment or utensils.

B. All food workers engaged in food preparation, warewashing operations and service, shall thoroughly wash their hands and the exposed portions of their arms **or surrogate prosthetic devices**, with soap or **a cleaning compound** and warm **running** water **for at least 20 seconds** before starting work; **donning gloves**; after tobacco use; handling garbage or soiled TABLEWARE or kitchenware; coughing, sneezing, touching the mouth, nose, hair **or any body part, except clean hands**; eating; using the toilet; **touching or caring for service animals or aquatic animals**; before and after handling raw meat, raw poultry or raw seafood, or any other **TCS food**; and as often as is necessary during work to keep them clean.

C. Hands shall be thoroughly dried after washing utilizing single-use or disposable towels, a mechanical heated hand drying device, or a device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.

D. The use of clean disposable gloves **or** hand **antiseptics** shall not be a substitute for hand washing. **Hand antiseptics shall only be used in accordance with § 2-301.16 of the MFC and only applied to hands that are cleaned as specified in § 327.1(B).**

E. Single-use disposable gloves shall be changed as often as necessary in accordance with the requirements for hand washing **and used for only one task such as working with ready-to-eat food or with raw animal derived food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.**

327.2 Tobacco, Electronic Cigarette Device Use, and Food Worker Dining

A. Food workers shall not use tobacco or **electronic cigarette devices** in any form while engaged in food preparation or service, while in areas used for food preparation or equipment and utensil washing areas.

B. Food worker dining shall be confined to designated areas, which will not result in contamination of food; clean equipment, utensils, unwrapped single-service and single-use articles; or other items needing protection.

327.3 Handling Tableware

Food workers shall handle soiled tableware in a way that minimizes contamination of their hands.

327.4 Clothing

The outer clothing of all **food workers** shall be clean. **Aprons or other protective outer clothing used by food workers shall be removed prior to entering the toilet room.**

327.5 Hair Restraints

Food workers shall effectively **use** hair restraints **such as, but not limited to, hairnets, beard nets, headbands, and hats** when necessary to prevent the contamination of food, **clean equipment, utensils, unwrapped single-service and single-use articles,** food-contact surfaces, **and clean linens.**

327.6 Fingernails

Food workers shall keep their fingernails trimmed and maintained, and not wear fingernail polish or artificial fingernails when working with exposed food, unless wearing intact gloves in good repair.

327.7 Jewelry

Except for a plain ring such as a wedding band, while preparing food, food workers may not wear jewelry including medical information jewelry on their arms and hands.

327.8 Tasting

Food workers shall only taste FOOD intended for the consumer using a clean utensil. A Food worker may not use a utensil more than once to taste food that is to be sold or served.

SECTION 328. INFECTED FOOD WORKER

328.1 General

A person infected with a disease **or specific conditions to include, but not limited to, those listed below,** shall be restricted or excluded from working in a food facility **as directed by the Department.**

328.2 Food Worker Exclusion

A. Food facilities shall exclude food workers from the food facility with any of the following diagnoses or symptoms:

- 1. Salmonella (nontyphoidal) and symptomatic with vomiting or diarrhea;**
- 2. Typhoid fever within the past 3 months;**
- 3. Shigella spp. and symptomatic with vomiting or diarrhea;**
- 4. Shiga-toxin producing Escherichia coli (STEC) and symptomatic with vomiting or diarrhea;**
- 5. Hepatitis A virus;**
- 6. Jaundice with onset within seven (7) calendar days, unless the food worker provides to the Person in Charge written medical documentation from a health practitioner specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection; or**
- 7. Vomiting or diarrhea from an infectious condition.**

B. Food facilities that serve a Highly Susceptible Population shall also exclude food workers from the food facility for any of the following diagnoses or symptoms:

- 1. Norovirus;**
- 2. Shigella;**
- 3. Shiga-toxin producing E. coli.;**
- 4. A sore throat with fever;**
- 5. Acute onset of sore throat with fever; or**
- 6. Jaundiced regardless of onset.**

328.3 Food Worker Restriction

A. Food facilities shall restrict food workers from handling food or contacting clean food contact surfaces in the food facility with any of the following diagnoses or symptoms:

- 1. A skin lesion containing pus, boil, or infected wound that is open or draining and not properly covered;**

2. Jaundice with onset more than seven (7) days, unless the food worker provides to the Person in Charge written medical documentation from a health practitioner specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection;

3. A sore throat with fever;

4. Shigella spp. infection;

5. Shiga-toxin producing Escherichia coli (STEC);

6. Nontyphoidal Salmonella; or

7. Amebiasis, until two consecutive negative stool samples are obtained.

B. Food facilities that serve a Highly Susceptible Population shall also restrict food workers for any of the following diagnosis or symptoms:

1. Nontyphoidal Salmonella; or

2. Exposed to a foodborne pathogen.

C. Food facilities may allow previously excluded food workers that meet the conditions below to return to the food facility for restricted duties only. Such food workers shall be restricted from handling food or contacting clean food contact surfaces in the food facility:

1. Asymptomatic for greater than 24 hours from symptoms of Shigella, or Shiga-toxin producing E. coli.;

2. Asymptomatic for at least 30 days after being symptomatic from non-Typhoidal Salmonella;

3. Asymptomatic for at least 24 hours after being symptomatic from Norovirus;

328.4 Procedure When Infection is Suspected

A. If the permit holder or Person in Charge of the facility has reason to believe that any **food worker** has contracted **a communicable** disease, or has become a carrier of such disease, the **Department** shall be notified immediately. **The food worker shall be immediately excluded from the food facility or have their food handling duties restricted as stated in sections 328.2 and 328.3 above.**

B. When the **Department** has reason to believe that there is the possibility of transmission of infection from any food facility **food worker**, the Director **or their designee** is authorized to require any or all of the following measures:

1. The immediate exclusion of the **food worker** from **working** in the food facility;

2. **The immediate** restriction of the **food worker** from working with exposed food; cleaning equipment, utensils, linens, and unwrapped single-service and single-use articles;
3. The immediate closing of the food facility until no further danger of disease outbreak exists;
4. Adequate medical examinations of the **food worker** and of **their** associates with such laboratory examinations as may be indicated.

C. The permit holder or Person in Charge and the food worker shall comply with disease control measures to include, but not limited to, exclusions and restrictions ordered by the Department.

D. A permit holder or the Person in Charge shall only remove or adjust exclusions or restrictions when notified by the Department that they may do so and in accordance with § 2-201.13 of the MFC.

328.5 Public Health Protection

The Department, upon the receipt of a report of a disease which is subject to isolation, quarantine, or any other control measure, shall carry out an investigation and the appropriate control measures in such manner and in such place as is provided by rule, regulation, or law.

FOOD SOURCES

SECTION 329. FOOD SUPPLIES

329.1 General

All food and beverages shall be **obtained from an approved source and honestly presented**; in sound condition; at required temperatures, and under refrigeration if applicable; free from spoilage, filth, adulterants, **un-approved additives, temperature abuse**, or other contamination; and shall be safe for human consumption. All processed foods shall be obtained from food processors that are inspected and licensed or **permitted** by a regulatory authority.

329.2 Special Requirements

A. Fluid and dry milk and milk products, including frozen, and cheeses, used, or served, or offered for sale shall be pasteurized and shall meet the standards as established by the PA Milk Sanitation Law (31 P.S. § 645-660g). Milk shall not be sold past the sell-by-date noted on the container and shall be received at 45°F or less.

B. Molluscan shellfish and fish shall be from an approved source according to law and the requirements specified in the U.S. Department of Health and Human Services, Public Health Service, FDA, National Shellfish Sanitation Program Guide for the Control of molluscan shellfish. Recreationally caught fish and shellfish shall not be offered for consumption. Molluscan shellfish shall be protected from contamination at all times and not commingled with shellfish stock with different tags or labels.

1. Shellstock shall be reasonably free from mud, dead shellfish, and shellfish with broken shells. Dead molluscan shellfish or shellstock with badly broken shells shall be discarded.

2. Shellstock shall be obtained in containers bearing legible source identification tags or labels that are attached by the harvester and each dealer.

(a) The harvester's tag or label shall contain information in the following order:

- 1) The harvester's identification number;**
- 2) The date of harvesting;**
- 3) The most precise identification of the harvest location, or aquaculture site, that includes the abbreviation of the name of the state or country in which harvested;**
- 4) The type and quantity of molluscan shellfish; and**
- 5) The following statement in bold, capitalized type:**

**THIS TAG IS REQUIRED TO BE ATTACHED UNTIL
CONTAINER IS EMPTY OR RETAGGED AND
THEREAFTER KEPT ON FILE FOR 90 DAYS**

(b) The dealer's tag or label shall contain the following information in the following order:

- 1) The dealer's name and address, and the certification number including the abbreviation of the name of the state or country in which the molluscan shellfish are harvested;**
- 2) The same information as specified for a harvester's tag; and**
- 3) The following statement in bold, capitalized type:**

**THIS TAG IS REQUIRED TO BE ATTACHED UNTIL
CONTAINER IS EMPTY OR RETAGGED AND
THEREAFTER KEPT ON FILE FOR 90 DAYS**

3. Raw shucked molluscan shellfish shall be obtained in nonreturnable packages which bear a legible label that identifies:

(a) The name, address, and certification number of the dealer, shucker, packer, re-packer; and

(b) The "sell-by" or "best if used by" date, or the date shucked, based upon size.

4. Shellstock and shucked molluscan shellfish shall be kept in the container in which they were received until used, repacked or sold. Shellstock and shucked molluscan shellfish may be removed from the original container for display purposes for servings upon a consumer's request if the labeling information is retained and, in the case of shucked shellfish, correlated to the date when the shellfish are sold or served. Each tag **and/or corresponding** record shall be kept for 90 days and be made available for inspection by the Department.

5. Molluscan shellfish and shellstock which do not bear a label or a label with the required information shall be subject to embargo or condemnation.

6. The repacking of shucked molluscan shellfish, breaking down of shellstock lots or shucking-repacking of shellfish shall be conducted in accordance with appropriate state and federal laws.

C. Only clean, whole eggs with shell intact and without cracks or checks; or pasteurized liquid, frozen, or dry eggs, or pasteurized dry egg products, shall be used, except that hard-boiled, peeled eggs, commercially prepared and packaged, may be used or offered for sale. Shell eggs shall be transported and received in containers or vehicles with an ambient air temperature of 45°F or below, and shall not be re-packaged. Eggs at a food facility shall be maintained at an internal temperature not to exceed 45°F until use, preparation or purchase by a consumer in accordance with the PA Egg Refrigeration Law (31 P. S. §§ 300.1–300.9).

D. Only ice that has been manufactured from an approved source of potable water and packaged and handled in a sanitary manner shall be used or offered for sale.

E. Pre-packaged juice, and beverages containing juice, shall be obtained pasteurized and from a processor with an HACCP system in place. Juice, and beverages containing juice, that are prepared and packaged on the premises must bear a warning label if not pasteurized, or otherwise treated, to attain a 5-log reduction of the most resistant microorganisms. The product must be labeled as specified in 21 CFR 101.17(G) with the following: "WARNING: This product has not been pasteurized and therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems."

F. Fish offered in raw or undercooked form as a ready-to-eat food shall meet the requirements for parasite destruction as specified in § 3-402.11 of the MFC. Records and proof shall be retained by the facility for at least 90 days after the sale of such items and be made available for inspection by the Department.

G. Food that is labeled frozen shall be received frozen and free from evidence of temperature abuse.

SECTION 330. FOOD PREPARED IN A PRIVATE HOME

Food prepared in home-style kitchen, residential-style kitchen, or a personal-use kitchen, regardless whether the location is on or off the actual residential property, shall not be sold for public consumption, unless the operation is approved by, and registered as a Limited Food Establishment with, the Pennsylvania Department of Agriculture (PDA) under the Pennsylvania Food Safety Act (3 Pa.C.S.A. §§ 5721 – 5737) for residential food service operations.

FOOD CONDITION

SECTION 331. FOOD PROTECTION

A. At all times, including while being stored, prepared, displayed, served, dispensed, packaged, or transported, food shall be protected from cross-contamination between foods and from potential contamination by insects, rodents, , **chemicals**, unclean equipment and utensils, unnecessary handling, flooding, draining, and overhead leakage or condensation, **sewage**, or other agents of public health significance. The temperature of **TCS food** shall be maintained at 41°F or below, or 135°F or above, at all times, except as otherwise provided in this Article.

B. The traffic of unnecessary persons through the food preparation, food storage, and warewashing areas is prohibited.

SECTION 332. FOOD STORAGE

332.1 General

Food, whether raw, cooked or prepared, if removed from the package or container in which it was obtained, shall be stored in a clean covered container except during necessary periods of preparation or service. Food **in the process of cooling** and whole unprocessed raw fruits and vegetables may be stored uncovered, **provided they are adequately protected from contamination**. Container covers shall be impervious and non-absorbent, except that **clean** linens or napkins may be used for lining or covering bread or roll containers. Quarters or sides of meat may be hung uncovered on clean sanitized hooks if no food product is stored beneath the meat.

332.2 Containers and Location

Containers of food shall be stored a minimum of 6 inches above the floor, in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area, except that:

A. Metal pressurized beverage containers, and cases of food packaged in cans, glass or other impervious containers need not be elevated when the food container or cases are not exposed to floor moisture; and the storage area is kept clean and free of moisture.

B. Containers may be stored on dollies, racks or pallets, provided such equipment **can be** easily moved by hand or with the use of readily available pallet-moving equipment. Equipment, pallets, and storage areas must be kept clean.

C. Food and containers of food shall not be stored under exposed or unprotected sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law. The storage of food in toilet rooms and their vestibules, garbage rooms, **locker rooms** or mechanical rooms is prohibited.

D. Food not subject to further washing or cooking before serving shall be stored in a way that protects it against cross-contamination from food requiring washing or cooking. Raw **animal-derived TCS food** must be stored below ready-to-eat foods. Raw foods which require higher cooking temperatures shall be stored below or separate from foods requiring lower

cooking temperatures. **Frozen, commercially processed and packaged raw animal derived food may be stored or displayed with or above frozen, commercially processed and packaged, ready-to-eat food provided it remains in a frozen state before and during placement.**

E. Packaged food shall not be stored in contact with water or undrained ice. Loosely wrapped ready-to-eat food shall not be stored in direct contact with ice.

F. Bulk food **including, but not limited to** cooking oil, syrup, salt, sugar, or flour not stored in the **original** product container or package in which it was obtained, shall be stored in a container identifying the food by its common English name.

332.3 Refrigerated and Frozen Storage

A. **Satisfactory number of** conveniently located refrigeration units or effectively insulated units shall be provided to assure the maintenance and cooling of **TCS food** at required temperatures. Each refrigerated unit storing **TCS food** shall be provided with a numerically scaled indicating or recording thermometer, accurate to **±1.5°C, if scaled in Celsius or dually scaled in Celsius and Fahrenheit, or ±3°F, if scaled in Fahrenheit only, and** located to measure the air temperature in the warmest part of the unit and located to be easily readable. **Where it is impractical to install thermometers in equipment such as insulated food transport carriers or ice chest, a clean product thermometer must be available and used to check internal food temperature.**

B. **The internal temperature of TCS food** requiring refrigeration shall be at or below 41°F.

C. TCS food in a homogenous liquid form may be held outside of the temperature control requirements while contained within specially designed equipment that maintains the safety of aseptically packaged fluid foods and complies with the design and construction requirements of the NSF/ANSI Standard 18, "Manual Food and Beverage Dispensing Equipment".

D. Stored frozen food shall be **maintained** frozen.

E. Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers, or food utensils, except that such ice may be used for cooling **cold plates that are constructed within an ice storage bin.**

332.4 Hot Storage

A. **Satisfactory number of** conveniently located hot food storage units shall be provided to assure the maintenance of **TCS food** at the required temperature during storage. Each hot food unit storing **TCS food** shall be provided with a numerically scaled or recording thermometer, accurate to **± 1.5°C, if scaled in Celsius or dually scaled in Celsius and Fahrenheit, or ±3°F, if scaled in Fahrenheit only, and** located to measure the air **or water** temperature in the coolest part of the unit and located to be easily readable. Where it is impractical to install thermometers on equipment such as bains-marie, steam tables, steam kettles, heat lamps, or insulated food

transport carriers, a clean product thermometer must be available and used to check internal food temperature.

B. The internal temperature of **TCS food** requiring hot storage shall be **135°F** or greater, **except roasts meeting cooking criteria may be held at 130°F or above.**

332.5 Date Marking of Food

Ready-to-eat TCS food prepared and held refrigerated for more than 24 hours in a retail food facility shall be clearly marked at the time of preparation to indicate the date by which the food shall be consumed on the premises, sold or discarded, which is, including the day of preparation, seven (7) days or less from the day the food is prepared, if the food is maintained at 41°F or less. The day of preparation shall be counted as "Day 1."

SECTION 333. FOOD PREPARATION

333.1 General

A. Food shall be prepared with minimal hand contact, with suitable utensils, and on surfaces that have been cleaned, rinsed and sanitized to prevent cross-contamination **prior to use.**

B. Food **workers** shall not contact exposed, ready-to-eat food with their bare hands, and shall use suitable utensils, such as deli tissue, spatulas, tongs, single-use gloves or dispensing equipment.

C. Each time there is a change in processing between raw meats, poultry, and seafood, or between raw and ready-to-eat foods, each new operation shall begin with food-contact surfaces and utensils which have been cleaned, rinsed, and sanitized.

333.2 Raw Fruits and Raw Vegetables

A. Raw fruits and vegetables shall be thoroughly washed with potable water before being cooked, cut, served, or offered for human consumption in ready-to-eat form.

1. Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315.

2. Ozone as an antimicrobial agent used in the treatment, storage, and processing of fruits and vegetables shall meet the requirements specified in 21 CFR 173.368.

B. Raw fruits and raw vegetables considered TCS food according to the FDA must be temperature controlled and held at 41°F or below. Such foods include, but are not limited to: cut melons, cut tomatoes, and cut leafy greens, and raw seed sprouts. C. Sulfiting agents may not be applied to fresh fruits and vegetables intended for raw consumption, except for grapes if treated with sulfiting agents before receipt by the food facility.

333.3 Cooking Time and Temperature Controlled for Safety Food

A. **TCS food** requiring cooking shall be cooked to heat all parts of the FOOD to a temperature of 145°F or above for 15 seconds, except that:

1. Poultry; stuffed products such as POULTRY, meats, fish, or pastas; stuffing containing poultry, meat, or fish; **baluts, and wild game animals** shall be cooked to heat all parts of the FOOD to 165°F or above for **≤ 1 second (instantaneous)**.
2. Ground , **mechanically tenderized, and injected meats; comminuted meat and fish, such as gyros, sausage, and gefilte fish; , comminuted commercially raised and inspected game; ratites; or eggs, unless cooked for one consumer's serving at a single meal and served immediately,** shall be cooked to heat all parts of the food to 155°F for **17 seconds, or in accordance to the cooking times and temperatures in table 333.3(A)2.**
3. **Whole** beef roasts, pork roasts, **and lamb roasts** shall be cooked to an internal temperature of 145°F for **4** minutes or to 130°F for 112 minutes. Alternative cooking times and temperatures may be approved by the **Department**. Beef steak shall be cooked on both the top and bottom to a surface temperature of 145°F or above, and cooked **to achieve a color change** on all external surfaces, **provided it is whole muscle, intact, and not offered to a highly susceptible population.**

B. Raw animal products cooked in a microwave oven shall be rotated during cooking to compensate for uneven heat distribution, covered to retain surface moisture, heated to a temperature of at least 165°F in all parts of the food, and allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

C. **Raw** fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of at least 135°F.

D. Raw animal derived foods that are cooked using a non-continuous cooking process that does not initially reach the required final cooking time and temperature combination shall be:

- 1. Subject to an initial heating process that is not more than 60 minutes in duration,**
- 2. Immediately after initial heating, cooled safely in accordance with § 333.5 of this Article and then stored cold or frozen in accordance with § 332.3(B) of this Article, and**
- 3. Prior to service to the consumer, cooked in accordance with paragraphs 333.3(A)-(B) of this Article, and prepared and stored according to written procedures that have been reviewed and pre-approved by the Department.**

333.4 Raw or Undercooked Animal Derived Food

A. If animal derived food, such as beef, eggs, fish, lamb, milk, pork, poultry or shellfish, that is raw or undercooked is offered ready-to-eat or upon consumer request, the permit holder shall inform consumers by written disclosure and reminder:

- 1. Written disclosure is satisfied when:**
 - (a) Items are described, such as:**
 - (1) Oysters on the half-shell (raw oysters),**
 - (2) Raw-egg Caesar salad, and**
 - (3) Hamburgers (can be cooked to order); or**
 - (b) Items are asterisked to a footnote that states that the items:**
 - (1) Are served raw or undercooked, or**
 - (2) Contains (or may contain) raw or undercooked ingredients.**
- 2. Written reminder is satisfied when the items requiring Disclosure are asterisked to a footnote that states:**
 - (a) "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness"; or**
 - (b) "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions"; or**
 - (c) "Information regarding the safety of these items, written information is available upon request".**

B. Food facilities that serve a highly susceptible population, as defined in this Article, shall not serve raw or undercooked animal derived food.

C. Food facilities shall not offer raw or undercooked comminuted meat for selection from a children's menu.

333.5 Cooling Time and Temperature Controlled for Safety Food

A. Cooked TCS food requiring refrigeration after preparation shall be monitored and rapidly cooled:

1. Within 2 hours from 135°F to 70°F; and

2. Within a total of 6 hours from 135°F to 41°F, for a total cooling time not to exceed (6) six hours.

B. TCS food prepared from ingredients at ambient temperature shall be cooled within 4 hours to 41°F or less.

C. TCS food shall be rapidly cooled, utilizing one or more of the following methods, based on the type of food being cooled:

1. Placing of foods in shallow metal pans under refrigeration and limiting the depth of foods dependent upon thickness/density of the foods;

2. An ice **water** bath where the bath is at least to the level of the food in the container and the food is frequently stirred;
3. **Portioning food items** into **smaller or thinner** pieces and placing under refrigeration; **and**
4. Other approved means such as blast chillers, **cooling wands**, or adding ice **as an ingredient** to a condensed food.

D. Cooling foods shall be arranged in the cooling equipment to provide maximum heat transfer through the container walls, and loosely covered, or left uncovered while cooling. Cooling of foods shall be conducted in an environment which will protect the food from contamination.

E. Cooling temperatures shall be monitored and documented. Cooling documents shall be maintained on-site for 30 days and made available for inspection.

333.6 Reheating for Hot Holding

A. Previously cooked **TCS food** shall be rapidly reheated within two hours to 165°F **or higher** for 15 seconds throughout all parts of the FOOD before being served, or before being placed in a hot storage unit. Steam tables, bains-marie, warmers, and similar hot food holding **equipment** are prohibited for the rapid reheating of **TCS food, unless such procedures are demonstrated as meeting safety requirements.**

B. Commercially **processed ready-to-eat food that has been packaged in a processing plant** shall be reheated to a minimum of 135°F **for 15 seconds. Once the container or package is opened, the food must be reheated to 165°F for 15 seconds.**

C. Remaining unsliced portions of meat roasts may be reheated for hot-holding using APPROVED oven parameters and time/temperature conditions.

D. When a microwave oven is used, food temperatures shall be taken throughout the food to assure a reheat temperature of 165°F **for 15 seconds, except where noted above in B, and shall be rotated or stirred, and be allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.**

E. Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer request may be served at any temperature.

333.7 Thawing Time and Temperature Controlled for Safety Food

TCS food shall be thawed:

1. In refrigerated units at a temperature not to exceed 41°F;
2. **Completely submerged** under potable running water at a temperature of 70°F or below, with sufficient water velocity to agitate

and **remove** loose food particles into the overflow, **and for a period of time that does not allow thawed portions of:**

(a) Ready-to-eat food to rise above 41°F;

(b) Raw animal-derived food, requiring cooking, to rise above 41°F for more than 4 hours that includes the time needed for preparation and cooking;

3. In a microwave oven only when the food will be immediately transferred to conventional cooking **equipment** as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven;

4. As part of the conventional cooking process;

5. Using any procedure if the frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order; or

6. In the case of reduced oxygen packaged fish, removed from the reduced oxygen environment prior to thawing.

333.8 Highly Susceptible Populations

In food facilities that serve food to a highly susceptible population:

A. Pasteurized shell eggs or pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for raw shell eggs in the preparation of:

1. Foods such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, **meringue**, eggnog, ice cream, and egg-fortified beverages.

B. Unpasteurized liquid, frozen, dry, or shell eggs and other egg products shall only be used when:

1. Combining raw eggs as an ingredient immediately before baking followed by thorough cooking;

2. Combining raw eggs immediately before cooking for one serving at a single meal, followed by thorough cooking; or

3. Preparing eggs under an approved HACCP Plan that includes control and destruction of Salmonella Enteritidis.

C. Non TCS foods in uncompromised intact packaging may be re-served, provided the food is not being served to or received from patients or clients who are in medical isolation or quarantine, or protective environment isolation.

D. Pre-packaged juice or a pre-packaged beverage containing juice that is not pasteurized, which bears a warning label, shall not be served or offered for sale. Un-packaged juice that is prepared on the premises shall be processed under an approved HACCP Plan. For the purposes of this

paragraph only, children who are age 9 or less and receive food in a school, daycare, or similar facility, are included as highly susceptible populations.

E. The following foods may not be served or offered for sale in a ready-to-eat form:

1. Raw animal-**derived** foods such as raw fish, raw-marinated fish, raw **molluskan** shellfish, and steak tartare;
2. A partially cooked animal-**derived** food such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw shell eggs, and meringue; and
3. Raw seed sprouts.

333.9 Food Processors

A. All food manufacturing, including packaging and storage, shall be conducted under such conditions and controls necessary to minimize the potential for the growth of microorganisms, or the contamination of food.

B. Food that can support the rapid growth of undesirable microorganisms, particularly those of public health significance, shall be held in a manner that prevents the food from becoming adulterated. Compliance with this requirement may be accomplished by effective means, including, but not limited to:

- 1. Maintaining refrigerated foods at 45 °F (7.2 °C) or below as appropriate for the particular food involved;**
- 2. Maintaining frozen foods in a frozen state;**
- 3. Maintaining hot foods at 140 °F (60 °C) or above;**
- 4. Heat treating acid or acidified foods to destroy mesophilic microorganisms when those foods are to be held in hermetically sealed containers at ambient temperatures; or**
- 5. Other laboratory proven methods.**

SECTION 334. FOOD DISPLAY AND SERVICE

334.1 Time and Temperature Controlled for Safety Food

TCS food shall be kept at an internal temperature of 41°F or below or at an internal temperature of 135°F during display and service, except that roast beef may be held for service at a temperature of no less than 130°F.

334.2 Time as a Public Health Control

A. If time only, rather than time in conjunction with temperatures **of 41°F or below or at a temperature of 135°F or above**, is used as the public health control for a working supply of **TCS food** before cooking, or for ready-to-eat

TCS food that is displayed or held for **sale or** service for immediate consumption:

1. The food shall be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the FOOD is removed from temperature control;
2. The food shall be cooked and served, served if ready-to-eat, or discarded, within 4 hours from the point in time when the FOOD is removed from temperature control;
3. The food in unmarked containers or packages, or marked to exceed a 4-hour limit, shall be discarded; and
4. Written procedures shall be **prepared in advance**, maintained in the food facility, and made available to the Department upon request.

B. If time without temperature control is used for up to a maximum of 6 hours, all steps in 334.2A apply, however, the food temperature must be continually monitored, have an initial temperature of 41°F or below, and may not exceed 70°F during the 6-hour period.

C. In a food facility that serves a highly susceptible population time only, rather than time in conjunction with temperature, may not be used as the public health control for raw eggs.

334.3 Display Equipment

A. Food on display shall be protected from consumer contamination by being packaged; or by easily cleanable sneeze guards for counters, service lines, or salad bars; or by cabinets for self-service; or by similar protective equipment. **Exceptions** to this is **subsection include** whole unprocessed raw fruits, raw vegetables, **and nuts in the shell that** are displayed for sale **and** are intended for hulling, peeling, or washing by the consumer before consumption.

B. **A sufficient number of** hot or cold food **holding** units shall be provided to assure the maintenance of **TCS food** at the required temperature during display.

C. **Food** shall not be provided for consumer self-service other than at a properly protected **and monitored self-service operations such as a** buffet or salad bar.

334.4 Pre-Set and Self-Service Tableware

A. Pre-set tableware shall be protected from contamination by being pre-wrapped, covered or inverted, unless the settings are removed when a consumer is seated, or the settings are cleaned and sanitized before use.

B. Unwrapped utensils at self-service locations shall be protected from contamination and be presented with the handle of the utensil to the consumer.

334.5 Re-Use of Tableware

A. Reuse of soiled TABLEWARE is prohibited. Clean plates, bowls, and/or single-service Articles must be used each time a **patron** returns to the service area. beverage cups and glasses are exempt from this requirement **if it is a contamination-free process as specified in § 4-204.13(A), (B), and (D) of the MFC.**

B. Food facilities **shall** post a sign prohibiting the reuse of plates or bowls by **patrons** in salad bar or similar self-service areas.

334.6 Dispensing Utensils

A. To avoid **bare hand** contact with food, suitable **and sufficient** dispensing utensils and/or single-service articles shall be used by **food workers** or provided to consumers who serve themselves as in bulk food sales, buffets, or at salad bars.

B. Between uses, dispensing utensils shall only be stored:

1. In the food with the handle extended out of the food; or
2. Clean and dry **if properly cleaned and sanitized every 4 hours;**
or
3. In running potable water **of sufficient velocity to flush food particles to the drain;** or
4. **In water that is maintained at a temperature of 135°F or greater and free of food residue accumulation.**

334.7 Condiment Dispensing

A. Sugar, condiments, seasonings, and dressings for self-service, table, **or** counter service shall be provided in individual packages; from dispensers; or from containers protected in accordance with this Article.

B. **Condiments** may be served in the original container **designed for dispensing** or **from** a pour-type dispenser **if the container is closed between uses.**

334.8 Ice Dispensing

A. Ice for consumer use shall be dispensed with scoops, tongs, or other ice dispensing utensils or through automatic self-service ice dispensing equipment. **Self-service ice must be protected from patron contamination.**

B. Ice dispensing utensils for use by **food workers** shall be stored on a clean surface or in an ice storage bin with the handle of the utensil extending out of the ice. No utensil shall be stored inside an ice making machine unless the machine is equipped for its storage.

C. Between uses, ice transfer receptacles shall be stored off the floor in a way that protects them from contamination.

D. Ice making machines and storage bins shall be drained through plumbed pipes with an air gap according to the Allegheny County Health Department **Article XV, "Plumbing Code"**.

334.9 Re-Service of Food

Once served **or sold** to a consumer, **unused** portions **or** left-over food, shall not be served again **to another consumer**. However, **non-TCS** packaged food, **such as, but not limited to, crackers and condiment packages,** that **are** still packaged, and is still in sound condition, may be re-served.

334.10 Bulk milk

Bulk milk container dispensing tubes shall be cut diagonally leaving no more than one-inch protrusion from the chilled dispensing head.

SECTION 335. DONATION OF FOODS

Once served or sold to a consumer, unused portions of or left-over food, shall not be offered as food for human consumption except as otherwise provided in this section.

335.1 Previous service

A. Packaged TCS foods, such as unopened milk, may be re-served or donated if immediately stored and maintained at 41° Fahrenheit or below.

B. The following food products may be re-served or donated.

1. Packaged non-TCS foods.

2. Whole fruit, such as apples or bananas.

335.2 Unpackaged and unserved foods.

Unpackaged and unserved foods may be donated if the following requirements are met.

A. The temperature of the food is at or below 41° Fahrenheit, or an ambient temperature of 45° Fahrenheit for raw shell eggs, at the time of donation, and is protected from contamination;

B. The food has been at or above 135° Fahrenheit during hot holding and service, and subsequently refrigerated to meet the time and temperature requirements in § 332.3, or maintained at proper holding temperatures required in § 332.4;

C. The donor can substantiate that the food recipient has the facilities to meet the transportation, storage, and reheating requirements of this section; and

D. The food is to be transported by the food recipient directly to a consumer, the recipient only needs to meet the transportation requirements in this section, including holding temperatures.

335.3 Labeling

Donated foods transported offsite shall be labeled with the name of the food, the source of the food, the date of preparation, and the discard date.

335.4 Shelf Life

Donated TCS foods may not exceed the shelf life for leftover foods outlined in § 332.5.

335.5 Damaged Foods

Heavily rim or seam-dented canned foods, or packaged foods without the manufacturer's complete labeling shall not be donated.

335.6 Distressed Foods

Foods which are considered distressed, such as foods which have been subjected to fire, flooding, excessive heat, smoke, radiation, other environmental contamination, or prolonged storage shall not be directly donated to the consumer. Such foods may be sold or donated to a permitted food salvage facility.

SECTION 336. FOOD TRANSPORTATION

336.1 General

The requirements for storage, display, and general protection against contamination, as contained in this Article shall apply in the transporting of all food from a food facility to another location for service, catering, **or donation**. All **TCS food** shall be kept at 41°F or below, or 135°F or above, during transportation. Adequate equipment must be used for maintaining food product temperatures.

336.2 Food Protection

During its transportation from a food facility to another location, food and food contact **surfaces** shall be kept in covered containers or be completely wrapped or packaged to be protected from contamination.

336.3 Warehouse and wholesale distribution

Storage and transportation of food shall be under conditions that will protect food against physical, chemical, and microbial contamination as well as against deterioration of the food and the container in accordance with 21 CFR § 110.93.

SECTION 337. SPECIALIZED PROCESSES AND HAZARD ANALYSIS CRITICAL CONTROL POINT PLANS

337.1 General

Food facilities **applying specialized processing methods, as listed below,** shall comply with the requirements of this Article and shall adhere to the requirements listed in this Section. **A written HACCP Plan shall be required to be submitted for approval prior to engaging in a specialized processing method, a process determined by the Department requiring a HACCP Plan, or as required by 21 CFR § 117. Written approval from the Department shall be obtained in all cases, be product specific and shall be retained at the facility for review at any time by the**

Department or appropriate regulatory authority. Specialized processing methods include:

A. Smoking food as a method of food preservation;

B. Curing food;

C. Using food additives or adding components such as vinegar:

1. As a method of food preservation, or

2. To render a food so that it is not TCS food;

D. Packaging food using a modified atmosphere packaging method;

E. Operating a molluscan shellfish life-support system display tank that is used to store or display shellfish that are offered for human consumption;

F. Custom processing animals, such as deer;

G. Growing and harvesting seed or bean sprouts;

H. Freezing fish for raw, raw-marinated, partially cooked, or marinated-partially cooked consumption;

I. Packaging juice to attain a 5-log reduction of microorganisms; and

J. Preparing food by any another method that is determined by the Department to require prior approval.

337.2 HACCP Plan Contents

HACCP Plans, when required, shall include the following:

A. General information such as the name and address of the food facility, permit holder's contact information, and specialized equipment used.

B. A categorization of the types of foods that are to be controlled under the HACCP Plan.

C. A flow diagram or chart by specific food or category type, identifying Critical Control Points (CCP) and providing information on the following:

1. Ingredients, materials, packaging supplies and equipment used in the preparation of that food;

2. Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;

3. The product labeling system;

4. List the food safety hazards that are reasonably likely to occur, as identified in the Hazard Analysis.

D. A food worker and supervisory training plan that addresses the food safety issues of concern.

E. A CCP summary for the plan under consideration that clearly identifies the following:

1. Each CCP.

2. The significant hazard for each CCP.

3. The critical limits for each CCP.

4. The method and frequency for monitoring and controlling each CCP by the food worker designated by the Person in Charge.

5. The method and frequency for the Person in Charge to routinely verify that the designated food worker is following standard operating procedures and monitoring CCPs.

6. Corrective action plans that have been developed to be followed in response to deviations from critical limits at CCPs.

7. Records to be maintained by the Person in Charge to demonstrate that the HACCP Plan is properly operated and managed.

8. Standard Sanitation Operational Procedures (SSOP) that describe the procedures along with the frequency for cleaning and sanitizing food-contact surfaces and equipment.

G. Additional scientific data or other information, as required by the Department, supporting the determination that food safety is not compromised by the proposal.

337.3 Reduced oxygen packaging (ROP) or Modified Atmosphere Packaging (MAP)

A. A retail food facility that packages food using a ROP or MAP method shall ensure that there are at least two barriers in place to control the growth and toxin formation of *Clostridium botulinum* and the growth of *Listeria monocytogenes*.

B. A retail food facility that packages food using a ROP or MAP method shall have an HACCP Plan that requires that the packaged food, as the primary barrier, be maintained at 41 ° F or less, and that meets the following criteria:

1. Identifies the food to be packaged.

2. Has the secondary barrier that complies with one of the following:

- (a) Has an a_w of 0.91 or less;**
- (b) Has a pH of 4.6 or less;**
- (c) Is a meat or poultry product cured at a food facility/ establishment regulated by U.S. Department of Agriculture (USDA) using substances specified in 9 CFR 424.21 (relating to use of food ingredients and sources of radiation), and is received in an intact package;**
- (d) Is a FOOD with a high level of competing organisms, that prohibit the growth of pathogenic bacteria, such as raw meat, raw poultry or raw vegetables; or**

3. Describes how the packages shall be prominently and conspicuously labeled on the principle display panel in bold type on a contrasting background, with instructions to do the following:

- (a) Maintain the food at 41°F or below;**
- (b) Discard the food within 30 calendar days of its packaging if it is not served for on-premises consumption, or it is not consumed if served or sold for off-premises consumption;**

4. Limits the refrigerated shelf life to no more than 30 calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell-by" or "use-by" date, whichever occurs first;

5. Includes operational procedures that:

- (a) Prohibit contacting ready-to-eat food with bare hands;**
- (b) Identify a designated work area and the method by which there are physical barriers or methods of separation of raw foods and ready-to-eat foods to minimize cross contamination, and by which access to the processing equipment is limited to responsible trained personnel familiar with the potential hazards of the operation; and**
- (c) Prohibit interruption of the packaging process;**
- (d) Delineate cleaning and sanitation procedures for food-contact surfaces prior to use; and**

6. Describes the training program that ensures that the individual responsible for the ROP operation understands concepts and procedures required for a safe operation.

C. A retail food facility may not package fish using ROP unless the fish is frozen before, during and after packaging. ROP fish shall be labeled to be cooked from the frozen state or to be removed from the reduced oxygen environment prior to thawing;

D. A retail food facility that packages food using a cook-chill or sous vide process shall:

1. Implement an HACCP Plan that contains the information as specified in § 336.2;

2. Ensure the food is:

(a) Prepared and consumed on the premises, or prepared and consumed off the premises but within the same business entity with no distribution or sale of the bagged product to another business entity or the consumer;

(b) Cooked to heat all parts of the food to a safe temperature unless covered by a consumer advisory;

(c) Protected from contamination before and after cooking;

(d) Placed in a package or bag with an oxygen barrier and sealed before cooking, or placed in a package or bag and sealed immediately after cooking and before cooling to a temperature below 135°F;

(e) Cooled to 41°F or below in the sealed package or bag using a safe procedure and:

1) Cooled to 34°F within 48 hours of reaching 41°F and held at that temperature until consumed or discarded within 30 days after the date of preparation;

**2) Held at 41°F or less for no more than 7 days, at which time the FOOD must be consumed or discarded;
or**

3) Held frozen with no shelf life restriction while frozen until consumed or used.

(f) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily;

(g) Transported in refrigeration that is equipped with verifiable electronic monitoring devices to ensure that times and temperatures are continuously monitored when transported off-site to a satellite location of the same business entity; and

(h) Labeled with the product name, the date packaged, and the discard date if not frozen.

3. Maintain the records required to confirm that cooling and cold holding refrigeration time/temperature parameters are met as part of the HACCP Plan, and that the records are:

(a) Made available to the regulatory authority upon request, and

(b) Held for at least 6 months; and

4. Ensure written operational procedures and a training program as specified are implemented.

E. A retail food facility that packages cheese using a ROP method shall:

1. Limit the cheeses packaged to those that are commercially manufactured in a food processing plant with no ingredients added by the food facility and that meet the Standards of Identity as specified in 21 CFR 133.150 (Hard cheeses); 21 CFR 133.169 (Pasteurized process cheese) or 21 CFR 133.187 (Semisoft cheeses);

2. Have a HACCP Plan;

3. Label the package on the principal display panel with a "use by" date that does not exceed 30 days or the original manufacturer's "sell by" or "use by" date, whichever occurs first; and

4. Discard the ROP cheese if it is not sold for off-premises consumption or consumed within 30 calendar days of its packaging.

F. A HACCP Plan is not required when a retail food facility uses a ROP method to package TCS food that is always:

1. Labeled with the production time and date,

2. Held at 41°F or less during refrigerated storage, and

3. Removed from its package in the food facility within 48 hours after packaging.

337.4 U.S.D.A. Process Exemption

Meat and poultry products, cured under U.S.D.A. inspection or a state program equal to U.S.D.A., with a nitrite level of at least 120 PPM and a brine concentration of at least 3.5% are exempt from the safety barrier verification requirements.

337.5 Microbiological Testing

Microbiological testing of product **may be required** if an existing or potential problem is identified.

337.6 Documentation of HACCP Plans

The HACCP Plan shall be signed and dated, either by the Person in Charge at the food facility or by the permit holder. This signature shall signify that the HACCP Plan has been accepted for implementation by the food facility after approval from the Department. The HACCP Plan shall be dated and signed:

1. Upon initial acceptance by the food facility;

2. Upon any modification; and

3. Upon reassessment of the adequacy of the HACCP Plan by the food facility.

337.7 Other Agency Jurisdiction

Food facilities within Allegheny County under the jurisdiction of Federal agencies such as, but not limited, to the USDA or the FDA, or Commonwealth of Pennsylvania agencies, shall follow the HACCP Plan rules and regulations issued by the agency having jurisdiction. The food facility must be able to provide HACCP Plan records and documentation upon request for official review by the Department.

SECTION 338. EXAMINATION, CONDEMNATION AND EMBARGO OF FOOD

The **Department** may examine food or collect samples of such food as often as deemed necessary for enforcement of this Article. The **Department** may condemn and forbid the sale of, or cause to be removed or destroyed, any food or beverage which is **unsafe, from unapproved sources including sources that cannot be verified,** unwholesome or adulterated. Condemned food shall be disposed of properly **under the direction of the Department.** Food subject to a hold order (Embargo notice) shall **remain under conditions specified in the official notice; shall** be tagged or labeled; and shall not be used, served or removed from the food facility **until released by the Department.** The **Department** shall permit storage of the food under conditions specified in the Embargo notice.

SPECIAL FOOD SERVICE FACILITIES

SECTION 339. MOBILE FOOD FACILITIES

339.1 General

A. Mobile food **facilities** shall comply with the requirements of sections **312 and 313** and all other applicable sections of this Article. **Based on the limitations of the mobile food facility,** the Department may impose additional requirements **such as, but not limited to, menu modification or preparation restrictions, in order** to protect against health hazards.

B. All mobile food **facilities** shall display a valid **"Inspected and Permitted by the Allegheny County Health Department" placard** issued by the Department. **The placard shall be displayed** in a place conspicuous to the public, **at patron points of service.**

C. **Mobile food facilities shall not serve food with reusable utensils or on reusable articles.**

D. **All mobile food facilities, except those only providing prepackaged food or beverages that are dispensed from covered containers or other protected equipment, must comply with the requirements of this Article pertaining to water and wastewater systems.**

E. **The operator of the mobile food facility must submit to the Department a current copy of the State Registration of the vehicle, approved commissary documentation, and upon request of the Department, a current list of the proposed food service locations and approximate arrival times to those locations. Documents must be updated yearly.**

339.2 Commissary

A. Mobile food **facilities** shall operate from a **permitted** commissary or other **permitted** fixed food facility. **The mobile food facility shall physically report as required to such location for all food, potable water, waste disposal, warewashing, and other cleaning and servicing operations.**

B. The commissary or other fixed food facility for mobile food **facilities** shall be constructed and operated in compliance with the requirements of this Article.

C. The commissary shall be inspected no less than once per year, or as deemed necessary by the Department, and the mobile food facility should be present for the inspection.

D. A commissary visit log must be maintained at the commissary and made available upon request.

E. If the commissary of a mobile food facility is located outside Allegheny County, the operator must show proof, at time of inspection, that the commissary possesses a valid license or food permit, and has had a satisfactory recent inspection in the past 18 months from the appropriate regulatory authority for that location.

339.3 Mobile Food Unit: Potable Water and Water System

A. A mobile food **facility** shall have potable water **in accordance with § 319 of this Article.** The **water** system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, warewashing, and handwashing.

B. A mobile food facility potable water tank and water system shall conform to the MFC standards. The water system shall be under pressure, constructed using safe materials, and properly installed. The potable water tank shall be sloped to an outlet that allows complete draining.

C. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be protected by a cap on a keeper chain, except while being filled. The water inlet shall be provided with a transition connection of **3/4 inch or less inner diameter and be of a** type that will prevent its use for any other service.

D. Potable water shall be supplied through a food grade hose solely dedicated for such purpose.

E. The potable water system on a mobile food facility must be properly maintained at all times. The water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse greater than 24 hours.

339.4 Mobile Food Unit: Waste Retention

A. Liquid waste shall not be discharged from the retention tank when the mobile food facility is in motion. Sewage and other liquid wastes shall be removed from a mobile food facility at an approved waste

servicing area in such a way that a public health hazard or nuisance is not created.

B. Wastewater shall be stored in a permanently installed retention tank that is of at least 15 percent larger capacity than the water supply tank **and be sloped to drain.**

C. The connections on the vehicle for servicing mobile food **facility** waste disposal facilities shall be **at least 1-inch inner diameter and equipped with a shut-off valve.** The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

339.5 Mobile Food Unit: Fuel and Power Sources

All cooking equipment and fuel sources shall be installed, operated, and maintained according Pennsylvania State Law.

SECTION 340. TEMPORARY AND SEASONAL FOOD FACILITIES

340.1 General

A. Temporary food **facilities** and seasonal food **facilities** shall comply with the requirements of this Article except as otherwise provided in this section. **Based on the limitations of the temporary or seasonal food facility, the Department** may impose additional requirements **such as, but not limited to, menu modification or preparation restrictions, in order** to protect against health hazards.

B. No **TCS food stored or** prepared in a private home or an unpermitted **food facility** may be sold in a temporary or seasonal food **facility.**

340.2 Ice as Temperature Control

If ice is to be used for temperature control the following criteria must be met:

1. Ice used for holding food or Beverages shall not be used for human consumption.

2. Loosely wrapped foods shall not be in direct contact with ice **or accumulated water.**

3. **There shall be a sufficient supply to maintain TCS-food at 41°F or less.**

340.3 Water Supply

A. A readily available supply of water from an approved source shall be provided at all times to the event location.

B. A minimum of ten (10) gallons of water from an approved source **for hand washing, utensil washing, and general cleaning** shall be kept at each **temporary food facility.** This water must be stored in an approved covered container and poured from a dispensing spout.

C. In the case where hot water is not available to the site, an adequate means of heating water shall be provided by the operator.

D. When only pre-packaged **TCS** food is sold, the requirements under **§§ 306, 340.4(B)** and **340(C)** will be waived.

340.5 Cleaning and Sanitizing Equipment

A. Adequate facilities shall be set up for cleaning and sanitizing food-contact surfaces **and utensils**. **In the absence of a three-compartment sink, three containers of adequate volume must be utilized in the following sequence: wash (hot, soapy water), rinse (clear water), and sanitize (approved sanitizer and water).**

B. Containers shall be stored off the ground and **shall be** adequately protected.

C. An approved sanitizer must be on the site and used in the above manner at all times.

D. All utensils and equipment must be air dried.

340.6 Handwashing

A. Handwashing facilities shall be provided at all temporary food facilities. Acceptable handwashing methods include the use of:

1. Clean running water drawn from a dispensing spout, with soap and single-service towels, and a wastewater collection container. Rinsing of hands in sanitizer or standing water is not approved; or

2. Readily available moist towelettes containing an approved antiseptic agent when food exposure and handling is limited to prepackaged foods only.

340.7 Sewage and Wastewater

A. Containers of adequate capacity with tight-fitting lids shall be provided for retention of all wastewater prior to disposal.

B. All wastewater shall be disposed of in a sanitary sewer.

340.8 Construction of a Temporary or Seasonal Food Facility

A. Protection, **overhead as well as for other openings**, shall be provided for all food preparation and food storage areas. Materials such as canvas, plastic or wood that protect the **facility** from the weather **and environmental conditions must** be APPROVED **prior to operation**. A site shall be chosen which will minimize problems with dirt, dust **and other contaminants**.

B. The remainder of the **temporary food facility** shall be constructed of material which allows easy cleaning.

SECTION 341. SHARED KITCHENS

341.1 General

The Department will evaluate shared kitchens for the storage, preparation of food, warewashing, waste disposal, equipment storage, or the replenishment of supplies and equipment. The Department may impose additional requirements to protect against health hazards related to the use of food facilities as shared kitchens.

341.2 Approval and Review

A. Any time three or more food facilities propose to operate out of the same commercial kitchen, the primary permit holder of the commercial kitchen shall notify the Department of their intent to share kitchen space.

B. If a food facility was not previously approved by the Department to be a shared kitchen, the primary permit holder must submit plans and specifications to the Department for approval, as specified in § 304 of this Article, as this shall be considered a significant change of operations.

C. The Department may limit the use of a commercial kitchen as a shared kitchen based on factors such as the size of the kitchen, the equipment available, and the compliance history of the food facilities involved.

341.3 Responsibilities in Shared Kitchens

A. Primary permit holder duties. The primary permit holder shall do all the following:

1. Ensure the physical facilities and all equipment provided by the primary permit holder in the shared kitchen are in compliance with all local, state and federal regulations.

2. Ensure that any person engaged in food preparation or storage within the facility is properly permitted.

3. Maintain the following records on site regarding the use of the shared kitchen and make the records immediately available upon request by the Department at the time of inspection:

(a) A list of all shared kitchen users and current contact information.

(b) For each shared kitchen user, a copy of the following documents:

1) All agreements entered into by the primary permit holder with each shared kitchen user, including the effective date, and if applicable, the termination date of each agreement, for a period of at least 12 months after the date of entry of a record.

2) If the shared kitchen user is processing or storing TCS foods, a valid CFPM certificate.

(c) A schedule of the proposed dates and times when each shared kitchen user, including the primary permit holder, intends to use the shared kitchen.

(d) A shared kitchen user sign-in log indicating the dates and times each shared kitchen user arrived and departed.

4. Notify the Department if a shared kitchen user terminates or otherwise withdraws from any contract or agreement, or if a shared kitchen user discontinues use of the space without contacting the primary permit holder.

5. Provide access for inspection by the Department to all locked equipment located in any storage area maintained in the shared kitchen.

6. Ensure that the number of users operating in the shared kitchen does not pose a health or safety risk.

7. Maintain a valid food permit issued by the Department.

B. Shared kitchen user duties. A shared kitchen user issued a food permit for a food facility shall:

1. Conform to the requirements provided in this Article.

2. Be responsible for any equipment or facility violations that pertain to the user's operation in the shared kitchen.

3. Ensure a CFPM, employed by the user, is on site at all times that TCS food is being prepared, handled, packaged, served or otherwise used, and make available, upon request, a CFPM certificate.

4. Have a copy of their food permit posted on site at all times when the shared kitchen user is physically using the shared kitchen.

5. Store all food and ingredients, in accordance with § 332 of this Article, in the shared kitchen until use or delivery to the consumer. Food and food ingredients shall not be stored in an unpermitted location or facility.

342. SELF-SERVICE FOOD FACILITY

342.1 General

A. Self-service food facilities shall comply with the requirements of this section and all other applicable sections of this Article.

B. Self-service food facilities shall display a valid "Inspected and Permitted by the Allegheny County Health Department" placard issued by the Department. The placard shall be displayed in a place conspicuous to the public.

C. Self-service food facilities shall provide information to the Department as to the responsible party that will be available for routine inspections.

D. All self-service food facilities display-units offering TCS food, shall be equipped with a self-closing door.

E. Self-service food facilities shall have a sign readily visible from the automated payment kiosk stating:

- 1. The name of the business to whom complaints or comments shall be addressed;**
- 2. The address of the business responsible for the facility; and**
- 3. The responsible business's telephone number and email or web information, when applicable.**

F. A self-service food facility will not be required to maintain a Person in Charge onsite if the conditions in sections 342.2 and 342.3 are met.

342.2 Food Conditions

A. Pre-packaged food sold at a self-service food facility shall:

- 1. Meet the labeling requirements as specified in §3-201.11(C) of the MFC; and**
- 2. Be tamper evident.**

B. All food shall be stored and discarded in accordance with §3-501.17 and §3-501.18 of the MFC.

342.3 Vending Machines

A. All self-service food facilities vending machines offering TCS foods shall have an automatic shut-off control or a plan approved by the Department that prevents the vending machine from dispensing food if:

- 1. There is a power failure, mechanical failure, or other condition that results in failure of the equipment to maintain food temperatures as specified under § 332 of this Article; and**
- 2. Where a condition specified in subparagraph (1) of this subsection occurs, until the equipment is serviced and restocked with food that has been maintained at temperatures specified under § 332 of this Article.**

B. The automatic shut-off within the vending machine cold holding TCS food shall activate when the ambient temperature exceeds 41° Fahrenheit or 45° Fahrenheit for a unit holding raw shell eggs only, for more than 30 minutes immediately after the display is filled, serviced, or restocked.

C. The automatic shut-off within the vending machine hot holding TCS food shall activate when the ambient temperature is below 135° Fahrenheit for more than 120 minutes immediately after the display is filled, serviced, or restocked.

ADMINISTRATIVE PROCEDURES AND REMEDIES

SECTION 343. SUSPENSION OF A FOOD PERMIT - IMMINENT HEALTH HAZARD

A. If the **Department** finds there is an **imminent health hazard** to the public health the **food** permit shall immediately be suspended. Any person whose **food** permit has been suspended under this section shall upon written request be entitled to a hearing pursuant to Article XI, "Hearings and Appeals", of the Allegheny County Rules and Regulations. **The suspension shall not become effective until the operator has received legal notice of the decision.**

B. Upon suspension of a **food** permit, the **Department** shall immediately post a **"Closed by Order of the Allegheny County Health Department"** **Placard** in plain view at all **patron** entrances to the premises. Such notice shall not be concealed or removed. Removal shall be only at the direction of the Department.

C. A person whose **food** permit has been suspended shall have the **food** permit reinstated upon completion of the corrective action required by the **Department** and an inspection verifying such corrections. It shall be unlawful to operate a food facility with a suspended **food** permit.

SECTION 344. SUSPENSION OF A FOOD PERMIT - NON-IMMINENT HAZARD

A. If the **Department** determines that there is violation of any of **the Rules and Regulations of the Allegheny County Health Department** or laws of the Commonwealth of Pennsylvania **but** there is no imminent **health hazard**, the **facility's food** permit may be suspended.

B. The **food** permit suspension shall not become effective until an opportunity for a pre-suspension hearing has been afforded to the holder of the permit. The pre-suspension hearing notice shall contain the violations, and where applicable, any corrective action which must be taken and the time within which such corrections must be completed. The **Department** shall **schedule** a hearing no sooner than six (6) days from the date of mailing of the notice of pre-suspension hearing unless the **Department** and the applicant both agree to a hearing at an earlier date. If the permit holder fails to appear at the hearing, the suspension shall become effective on the date **of** the hearing; otherwise, the suspension shall become effective at such time as may be fixed by the **Department**.

C. **Upon suspension of a food permit, the Department shall immediately post a "Closed by Order of the Allegheny County Health Department" placard in plain view at all patron entrances to the premises. Such notice shall not be concealed, altered or removed. Removal shall be only at the direction of the Department. It shall be unlawful to operate any food facility with a suspended food permit.**

SECTION 345. REINSTATEMENT OF A HEALTH PERMIT

A. A **food** permit which has been suspended shall be reinstated if the person whose **food** permit has been suspended completes the corrective action as

required **and provides the Food Safety Program with a written request for an inspection.** The **food** permit may only be reinstated following a **Food Safety Program** inspection of the premises and written approval by the **Department.**

B. If a food facility fails to meet the requirements for the initial food permit reinstatement, all subsequent food permit reinstatement inspections shall be conducted at the owner's expense according to the fee schedule.

SECTION 346. VARIANCES

The Director, **the Deputy Director which oversees the Food Safety Program, or the Manager of the Food Safety Program** may grant variance or conditional variance from any of the requirements of this regulation if the **Department** determines that the granting of **the** variance poses no real or potential hazard to the health, safety, or welfare of the public. **Variance requests must be made in writing by the permit holder, be approved prior to implementation, and at a minimum include the following:**

- 1. The section of this Article or the MFC that the requested variance applies;**
- 2. A statement that defines what the request is for, such as, but not limited to, a process or non-conforming use of the food facility or equipment;**
- 3. Rationale for how the potential public health hazards or nuisances addressed by the relevant sections will be alternatively addressed by the request; and**
- 4. A statement that defines the reason for the variance, showing that the need for a variance is not the consequence of a self-created hardship.**

SECTION 347. Penalties

A. Misdemeanors. Any person who violates any of the provisions of this **Article** or any rule or regulation of the Department, or who interferes with **the** Director or any agent of the Department of Health in the discharge of **their** official duties, convicted of a second or subsequent offense, shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or to undergo imprisonment not exceeding one (1) year, or both.

B. Summary Offenses. Any person who violates any of the provisions of this **Article** or any rule or regulation of the Department, or who interferes with the Director or any agent of the Department in the discharge of **their** official duties, shall, for the first offense, upon conviction thereof in a summary proceeding before any alderman or justice of the peace of Allegheny County, or before any police magistrate if such offense be committed in a city of the second class, be sentenced to pay the costs of prosecution and a fine of not less than thirty dollars (\$30.00) nor more than three hundred dollars

(\$300.00) and, in default thereof, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days.

C. Civil Penalties. Any person who violates any of the provisions of this **Article** or any rule or regulation of the Department, **or who interferes with the Department in the discharge of their official duties** may be assessed a civil penalty imposed by the Director, **Deputy Director, the Food Safety Program Manager, or their respective designee** pursuant to Article XVI - "Environmental Health Civil Penalties".

D . Separate Offenses. -For the purpose of this section, violations on separate days shall be considered separate offenses. Each violation of any separate subsection or section of this Article shall constitute a separate offense.

E. In determining the amount of penalties to be assessed, the Department shall consider the economic benefit gained by such person by failing to comply with the Article, the willfulness of the violation, the actual and potential harm to the public health, safety and welfare and to the environment, the nature, frequency and magnitude of the violation, and any other relevant factors.

SECTION 348. HEARINGS AND APPEALS

Article XI, "Hearings and Appeals", provides for the right to a hearing if aggrieved by any order issued by the DEPARTMENT. All appeals must be filled in accordance with Article XI, **§ 1104. The Notice of Appeal shall be filed no later than thirty (30) days after receipt of written notice or issuance of the action by which the Appellant is aggrieved. The notice of appeal must be filed no later than 4:00 p.m. Eastern Time on the thirtieth (30th) day after written notice or issuance of the action.**

SECTION 349. ALLEGHENY COUNTY FOOD SAFETY FUND

A. The purpose of **the** Allegheny County Food Safety Fund is to support activities related to the improvement of food safety within Allegheny County. **The fund is intended** to support activities **that** will increase or improve knowledge of food safety **related** to foodborne illness and its control to benefit public health.

B. Disposition of **Funds** Collected. All funds received by the County **including, but not limited to,** reinspections, owner requested inspections, consent orders, consent decrees, or civil penalties relating to actions taken by the Department regarding food safety shall be paid into a special fund known as the Allegheny County Food Safety Fund which is hereby established.

1. This fund shall be administered in accordance with the provisions of the Second-Class County Charter Law and other applicable laws. The County Treasurer shall invest **funds** deposited in the Fund and in such manner as not to impair the liquidity of the Fund and shall credit all interest accruing on such monies to the Fund.

2. The Director shall report on the status of the Fund to the Board of Health on a semiannual basis, or at such other intervals as the Board may require.

3. Audits of the Fund shall be performed as required by law.

C. Disbursements. Disbursements of **funds** from the Allegheny County Food Safety Fund shall be utilized solely to cover any and all reasonable (direct and indirect) costs incurred by the county and required to develop and administer the County's Food Safety Program. No food facility, which is subject to the provisions of this Article, shall receive monies from the Fund under this section, or services, equipment, or materials purchased with such monies, to fulfill its obligations under this Article, except for Department facilities supporting the Food Safety Program. The Allegheny County Board of Health shall have the sole discretion and authority to make disbursements from this fund as it sees fit from time to time.

D. At no time for any purpose shall **funds** be disbursed or borrowed from the Allegheny Food Safety Fund, or otherwise distributed or encumbered, except as specifically allowed under this section.

SECTION 350. FOOD SAFETY ADVISORY COMMITTEE

There is hereby established a Food Safety Advisory Committee which may recommend to the Board of Health additions and changes to this Article and advise the Department and the Board of Health on matters relative to food safety which are brought to its attention by any person.

A. Membership:

1. Members shall be appointed by the Director and shall serve a term of no more than three (3) years. Those members whose terms have expired may serve an additional two (2) years if approved by the Board of Health.

2. The Food Safety Advisory Committee shall consist of an odd number of appointees of at least 9 and up to 17 individuals.

3. Advisory Committee members shall be residents of Allegheny County and shall consist of a balance of representatives of industry, academia, small business, and general citizenry, who maintain credentials in, or experience in, or knowledge of the field of food safety.

4. The Director, Deputy Director, and Food Safety Program Manager shall be nonvoting ex-officio members of the Committee.

5. The Advisory Committee shall elect from its members a Chair and a Vice Chair of the Committee. The election shall be for one (1) year terms and held at the first meeting after September 1 of each year.

6. If a member is not in attendance at more than 3 (three) out of any five (5) consecutive meetings, they will be notified by the

Department that their membership has been forfeited. A member may petition the Director for reinstatement at the next Advisory Committee meeting.

B. Procedures:

1. The Advisory Committee shall meet at the call of the Chair, the request of the Director, the Board of Health, or upon the written request of any three (3) members of the Advisory Committee.

2. Each year the Advisory Committee shall adopt such procedures and provisions as are necessary to conduct its business.

3. A quorum, which shall consist of no less than a majority of voting members, shall be required to conduct the business of the Advisory Committee.

4. The Advisory Committee shall comply with the PA Sunshine Act and all other applicable Local, State, and Federal laws as required.

Section 351. UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause, or phrase of these Rules and Regulations be declared unconstitutional or invalid for any reason, the remainder of said Rules and Regulations shall not be affected thereby.

SECTION 352. DEFINITIONS

The following definitions shall apply in the interpretation and application of this Article:

Additive –

a) "Food additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(s) and 21 CFR 170.3(e)(1).

b) "Color additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.3(f).

Adulterated – Food when one or more of the following is accurate:

a) The food bears or contains any poisonous or deleterious substance, which may render it injurious to health. However, if the substance is not an added substance, the food will not be considered adulterated if the quantity of the substance in the food does not ordinarily render it injurious to health.

b) The food bears or contains any added poisonous or added deleterious substance, which is unsafe within the meaning of § 11 of the Food Act (31 P. S. § 20.11). This subparagraph does not apply to a pesticide chemical in or on a raw agricultural commodity, a food additive or a color additive.

c) The food is a raw agricultural commodity and bears or contains a pesticide chemical which is unsafe within the meaning of § 11 of the Food Act, except that, when a pesticide chemical has been used in or on a raw agricultural

commodity with an exception granted or tolerance prescribed under § 11 of the Food Act or under any of the Federal acts and the raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating or milling, the residue of the pesticide remaining in or on the processed food will, notwithstanding § 11 of the Food Act and this subparagraph, not be deemed unsafe if the residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of the residue in the processed food when ready-to-eat is not greater than the tolerance prescribed for the raw agricultural commodity.

- d) The food bears or contains any food additive, which is unsafe within the meaning of § 11 of the Food Act or any of the Federal acts.**
- e) The food consists in whole or in part of any diseased, contaminated, filthy, putrid or decomposed substance or is otherwise unfit for food.**
- f) The food has been produced, prepared, packed or held under unsanitary conditions so that it may have become contaminated with filth or may have been rendered diseased, unwholesome or injurious to health.**
- g) The food is, in whole or part, the product of a diseased animal or of an animal which has died in a manner other than by slaughter.**
- h) The food is in a container composed, in whole or part, of any poisonous or deleterious substance which may render the contents injurious to health. However, the container is permissible for use if is fabricated or manufactured with good manufacturing practices as that standard is defined and delineated by any of the Federal acts and their regulations.**
- i) The food has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption under § 11 of the Food Act or under one of the Federal acts.**
- j) The food has had any valuable constituent, in whole or part, omitted or abstracted therefrom.**
- k) The food has had any substance substituted wholly or in part.**
- l) Damage or inferiority of the food is concealed in any manner.**
- m) A substance has been added to the food and it is mixed or packed so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is.**
- n) The food bears or contains any color additive which is unsafe within the meaning of § 11 of the Food Act or under one of the Federal acts.**
- o) The food bears or contains eggs processed by or egg products derived from a manufacturing, processing or preparing method wherein whole eggs are broken using a centrifuge-type egg breaking machine that separates the egg's liquid interior from the shell.**

Asymptomatic – without obvious symptoms; not showing or producing indications of a disease or other medical condition. Asymptomatic

includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

***A_w* – A symbol for water activity.**

***Balut* - An embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.**

***Beverage* – A liquid for drinking, including water.**

Bulk food - processed or unprocessed food in aggregate containers from which quantities desired, **including** by the consumer, are withdrawn.

Caterer - defined as any person who primarily provides food for service off the permitted premises.

***Certified Food Protection Manager (CFPM)* - an individual who has demonstrated proficiency of required information through passing a test that is part of an accredited program that is evaluated and listed by the Conference for Food Protection as conforming to the Conference for Food Protection Standards for accreditation of Food Protection Manager Certification Programs.**

***CFR* – The most-recently published edition or revision of the Code of Federal Regulations, a compilation of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government.**

***Cleaned in place (CIP)* –**

- a) **Cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.**
- b) **The term does not include the cleaning of equipment such as band saws, slicers or mixers that are subjected to in-place manual cleaning without the use of a CIP system.**

***Commingle* - To combine shellstock harvested on different days or from different growing areas as identified on the tag or label, or to combine shucked shellfish from containers with different container codes or different shucking dates.**

***Comminuted* - A food that is reduced in size by methods including chopping, flaking, grinding or mincing. The term includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.**

Commissary - A catering facility, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored. **A distribution facility or service area where food is prepared, stored or from which it is supplied to a mobile or other retail food facility.**

***Confirmed disease outbreak* – a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.**

***Consumer* – A person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food facility or food processing plant, and does not offer the food for resale.**

Corrosion-resistant material - A material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions and other conditions of the use environment.

Critical control point (CCP) - A point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

Critical limit - The maximum or minimum value to which a physical, biological or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

Dealer - a person who is authorized by a shellfish control authority for the activities of shellstock shipper, shucker-packer, repacker, reshipper of depuration processor of molluscan shellfish according to the provisions of the National Shellfish Sanitation Program.

Department - the Allegheny County Health Department.

Director - the Director of the Allegheny County Health Department or **their** designate.

Disclosure - a written statement that clearly identifies the animal-derived foods or ingredients which are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens.

Drinking water- See *Potable water*.

Easily cleanable -

a) **A characteristic of a surface that:**

- 1) **Allows effective removal of soil by normal cleaning methods.**
- 2) **Is dependent on the material, design, construction and installation of the surface.**
- 3) **Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose and use.**

b) **The term includes a tiered application of the criteria that qualify the surface as easily cleanable as specified in subsection (a) to different situations in which varying degrees of cleanability are required, such as one of the following:**

- 1) **The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or**
- 2) **The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.**

Egg - The shell egg of the avian species such as chicken, turkey, duck, goose, guinea, quail, or ratite. Egg does not include balut, or the egg of a reptile species such as alligator.

Electronic cigarette device - any electronic oral device, such as one composed of a heating element, battery or electronic circuit, which provides a vapor of nicotine or any other substances and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed or sold

as an e-cigarette, e-cigar or e-pipe or under any other product name or descriptor.

Equipment – **articles that are used in the operation of a food facility such as stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, temperature measuring devices for ambient air, vending machines and similar items other than utensils.**

Extensively remodeled - whenever an existing structure is converted for use as a food facility; any structural or significant equipment additions or alterations to the existing food facility; changes, modifications and extensions of plumbing systems, excluding routine maintenance.

Farmer(s) Market – A location where primarily regionally produced agricultural products are sold directly to the public by two or more farmers and/or producers in a fixed location and on a pre-determined schedule.

Fish – Fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber and sea urchin, and the roe of such animals), and all mollusks, if such animal life is intended for human consumption. The term includes an edible food product derived in whole or in part from fish, including fish that have been processed in any manner.

Flea Market – a retail location where vendors primarily re-sale goods or sell home-made crafts to the public, may be operated seasonally or yearly.

Food - any raw, cooked, or processed edible substance; ice; beverage; or any ingredient used or intended for use or for sale, in whole or in part, for human consumption.

Food allergen – see Major Food Allergen.

Foodborne disease outbreak – the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.

Food-contact surface - those surfaces of equipment and utensils with which food normally comes in contact; and those surfaces from which food may drain, drip, or splash back **into food or** onto surfaces normally in contact with food.

Food facility - any **operation**, permanent, **commissary, seasonal** or temporary **facility**, where food is prepared, handled, served, sold, **stored, or otherwise provides food for human consumption. A food facility does not include:**

- a) **A seasonal produce stand that only offers whole, uncut fresh fruits and vegetables;**
- b) **A farm that provides unprocessed non-TCS foods to the public;**
- c) **A kitchen in a private home that prepares food that is not TCS for SALE or service at a function such as a religious or charitable organization’s bake sale;**
- d) **A kitchen in a private home, such as a small family day-care provider or bed and breakfast that prepares and offers food to guests if the home is owner-occupied and the facility is not a boarding home;**
- e) **A private home that received catered or home-delivered food; or**

Food permit – The document issued by the Allegheny County Health Department that authorizes a person or entity to operate a food facility.

Food preparation - thawing, cooking, cooling, heating, reheating, putting together, cutting, slicing, dividing, mixing, portioning, or packaging food for a consumer, except that trimming or cleaning of whole vegetables or fruits for display and sale shall not be considered food preparation.

Food processor - **Any person or facility that produces, prepares, packages, holds food for wholesale distribution to other business entities, and does not primarily provide food directly to the consumer.**

Food Safety Program - **The unit within the Department that inspects food facilities, conducts plan review for compliance with this Article, or is responsible for directing or supervising those responsible for conducting inspections or plan review, the term does not include contracted or temporary employees of the Department.**

Foot candle - **A unit of illumination equal to that given by a source of one candela at a distance of one foot (equivalent to one lumen per square foot, or 10.764 lux).**

Food worker - **any person working in a food facility.**

Game animal -

- a) **The term includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria or muskrat, and non-aquatic reptiles such as land snakes.**
- b) **An animal, the products of which are food, that is not classified as any of the following:**
 - 1) **Fish;**
 - 2) **Cattle, sheep, swine, goat, horse, mule or other equine, as those terms are used in 9 CFR Chapter III, Subchapter A (relating to agency organization and terminology; mandatory meat and POULTRY products inspection and voluntary inspection and certification);**
 - 3) **POULTRY, as that term is used in 9 CFR Chapter III, Subchapter A.;**
 - 4) **Ratites, such as ostriches, emus or rheas.**

HACCP - **see Hazard Analysis Critical Control Point.**

HACCP plan - **A written document that delineates the formal procedures for following the HACCP principles developed by the National Advisory Committee on Microbiological Criteria for Foods.**

Hazard - **A biological, chemical, or physical property that may cause an unacceptable consumer health RISK.**

Hazard Analysis Critical Control Point (HACCP) - **A system developed by the National Advisory Committee on Microbiological Criteria for Foods that identifies and monitors specific foodborne hazards that can adversely affect the safety of the food products;** a method used to reduce the RISK of foodborne illness by:

- a) Identifying hazards of high risk foods;
- b) Assessing the **significant** hazards posed by each preparation step;
- c) Determining the critical points for controlling hazards;
- d) Monitoring a critical control point or points; and
- e) Implementing immediate and appropriate corrective action when control criteria are not met;
- f) Verifying that the system is working;
- g) Keeping records; and
- h) Training staff.

Hermetically sealed container - An airtight container which is designed and intended to be secure against the entry of microorganisms and, **in the case of low acid foods**, to maintain the commercial sterility of its contents after processing.

High risk violation– see Risk Factor

Highly Susceptible Population - a group of persons who are more likely than other populations to experience foodborne disease because

- a) they are immunocompromised **persons, pre-school age children, or older adults**; and
- b) in a facility that provides health care; assisted living **or custodial care; health care; nutritional or socialization** services; such as a hospital, nursing home, **or** day care center.

Honestly presented– Food offered for human consumption in a way that does not mislead or misinform the consumer, and without misrepresenting the true appearance, color or quality of the food through the use of food or color additives, colored overwraps, lighting or other means.

Imminent health hazard – A significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries, and the nature, severity, and duration of the anticipated injury.

Injected – manipulating meat by introducing a solution into its interior by processes that are referred to as “injecting”, “pump marinating”, or “stitch pumping”.

Juice – the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. The term does not include those that are not used as beverages or ingredients of beverages.

Leafy greens – Fresh leafy greens whose leaves once cut, shredded, sliced, chopped, or torn must be time/temperature controlled for safety. The term includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard. The term does not include herbs such as cilantro or parsley.

Limited Food Establishment - a residential style kitchen that may not meet the full regulatory code requirements, that is permitted or registered by the Department or the PA Department of Agriculture, and produces only non-TCS food items.

Major Food Allergen - any of the following:

- a) **Milk, egg, fish (e.g., bass, flounder, or cod), Crustacean shellfish (e.g., crab, lobster, or shrimp), tree nuts (e.g., almonds, pecans, or walnuts), wheat, peanuts, sesame, and soybeans; and**
- b) **A food ingredient that contains protein derived from a food specified as a major food allergen**

Meal - food sufficient to constitute breakfast, lunch, or dinner; it shall not mean a snack, such as pretzels, popcorn, chips or similar food.

Mechanically tenderized –

- a) **Manipulating meat with deep penetration by processes which may be referred to as “blade tenderizing”, “jaccarding,”**

“pinning”, “needling”, or using blades, pins, needles or any mechanical device

- b) **The term does not include processes by which solutions are INJECTED into meat.**

mg/L – Milligrams per liter, which is the metric equivalent of parts per million.

Mobile food facility - a self-contained, limited service food facility which is a mechanically, electrically, manually, or otherwise propelled vehicle operating on land or water, **and that routinely reports to a permitted commissary.**

Model Food Code (MFC)- **The most current edition of the Food Code published by the Department of Health and Human Services, Food and Drug Administration as adopted by the Commonwealth of PA in 7 Pa. Code § 47 as the Food Code.**

Medium Risk Factors or Violations- *see Risk Factor*

Modified Atmosphere Packaging -

- a) **A type of reduced oxygen packaging in which the atmosphere of a package of food is modified so that its composition is different from air, but the atmosphere may change over time due to the permeability of the packaging material, or the respiration of the food.**
- b) **The term includes reduction in the proportion of oxygen, total replacement of oxygen or an increase in the proportion of other gases such as carbon dioxide or nitrogen.**

Molluscan shellfish – **an edible species of fresh or frozen oysters, clams, mussels and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.**

Non-continuous cooking –

- a) **The cooking of food in a food facility using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for a complete cooking at a later time prior to SALE or service.**
- b) **The term does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.**

Non-critical violation- *see Risk Factor*

Operator – **the person or entity that is legally responsible for the operation of a business regulated under this article, also known as the vendor.**

Packaged - bottled, canned, cartoned, bagged, or **otherwise** securely wrapped.

Pasteurization – **Partial sterilization of a substance at a temperature and for a period of exposure that destroys objectionable organisms without major chemical alteration of the substance.**

Permit holder – **The entity that:**

- a) **Is legally responsible for the operation of the food facility, such as the owner, the owner’s agent, or other person; and**
- b) **Possesses a valid food permit to operate a food facility.**

Person in Charge- the individual present in a food facility who is **responsible for the operation** at the time of inspection. If no individual identifies **themselves** as the **Person in Charge,** then any **food worker** present may be deemed the Person in Charge by the Department.

Personal care items –

- a) Items or substances that may be poisonous, toxic or a source of contamination and are used to maintain or enhance a person's health, hygiene or appearance.
- b) The term includes items such as medicines, first aid supplies, cosmetics, toiletries and similar items.

pH - the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.

Poisonous or toxic material – substances that are not intended for ingestion and are included in 4 categories:

- a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes and other chemicals;
- b) Pesticides, except sanitizers which include substances such as insecticides and rodenticides;
- c) Substances necessary for the operation and maintenance of the facility such as nonfood grade lubricants and personal care items that may be deleterious to health; and
- d) Substances that are not necessary for the operation and maintenance of the facility and are on the premises for retail sale, such as petroleum products and paints.

Potable water - water obtained from a source meeting the requirements of the State and Federal Safe Drinking Water Acts. **The term does not include water that is not potable, such as boiler water, mop water, rainwater, wastewater, and "non-drinking" water.**

Potentially Hazardous Food - **see Time and Temperature Controlled for Safety Food**

Poultry –

- a) Any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs), whether live or dead, as defined in 9 CFR 381.1 (Poultry Products Inspection Regulations Definitions, Poultry); and
- b) Any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in 9 CFR 362.1 (Voluntary Poultry Inspection Regulations, Definitions).

Premises – **The physical facility, its contents and the contiguous land or property under the control of the food facility operator. If a food facility is a component of a larger operation, such as a hotel, motel, shopping mall or public campground, and that larger operation is also under the control of the food facility operator, that larger operation is part of the food facility premises to the extent it may impact the food facility, its personnel or its operations.**

Pre-packaged food – **Food received at the food facility, and then distributed or sold as packaged by the manufacturer.**

Preparation – **the action or process of modifying food differing from the original condition in which it was received, this does not include opening packages of raw meats, or processing primal cuts.**

Primal cut – **A basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank or veal breast.**

Primary permit holder - **The entity that is legally responsible for the operation of the food facility such as the owner, the owner's agent,**

or other person and has the ability to enter into legal agreements authorizing the use of their facility to other entities.

Ratite – a flightless bird such as an ostrich, emu and rhea.

Ready-to-eat food – Any of the following types of food:

- a) **Food in a form that is edible without additional preparation to achieve food safety;**
- b) **Animal-derived food that is raw or partially cooked for which there is a Consumer Advisory;**
- c) **Food that is prepared in accordance with a variance issued by the Department;**
- d) **Food that may receive additional preparation for palatability or aesthetic, epicurean, gastronomic or culinary purposes;**
- e) **Raw animal-derived food that is cooked;**
- f) **Raw fruits and vegetables that are washed;**
- g) **Fruits and vegetables that are cooked for hot-holding;**
- h) **TCS food that is cooked and cooled;**
- i) **Plant food for which further washing, cooking or other processing is not required for food safety, and from which rinds, peels, husks or shells are removed;**
- j) **Substances derived from plants, such as spices, seasonings and sugar;**
- k) **A bakery item, to include icings and fillings, for which further cooking is not required for food safety;**
- l) **The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages; salt-cured meat and poultry products; and dried meat and poultry products; and**
- m) **Food that is manufactured according to 21 CFR Part 113 (Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers).**

Reduced oxygen packaging – see Modified Atmosphere Packaging.

Refuse – Solid waste not carried by water through the sewage system.

Regulatory authority - the Federal, State, or local enforcement authority or authorities having jurisdiction over the food facility.

Reinspection – A subsequent inspection that is conducted as a follow-up to conditions identified in a food facility in order to determine compliance with the Department rules and regulations governing “Food Safety”.

Reminder – a written statement concerning the health risk of consuming animal-derived foods which are raw, undercooked, or without otherwise being processed to eliminate pathogens.

Responsible party - the person or entity that is legally responsible for the operation of a business regulated under this article or the planning and coordination for a temporary event where temporary or seasonal food facilities operate.

Re-service – the transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.

Restaurant - **A facility where food or drink is dispensed or prepared primarily for immediate consumption. This category includes coffee shop, cafeteria, short order café, luncheonette, tavern, sandwich stand, snack bar and all other eating and drinking establishments**

Restricted use pesticide – a pesticide product that contains the active ingredients specified in 40 CFR 152.175 (Pesticides classified for

restricted use), and that is limited to use by or under the direct supervision of a certified applicator.

Retail food facility- Any facility or section of a facility where food and food products are offered to the consumer **directly or indirectly**. This definition shall include mobile food units.

Risk – the likelihood that an adverse health effect will occur within a population as a result of a hazard.

Risk Factor- Improper or unsafe practices, procedures, or conditions identified as the most prevalent contributing factor of food borne illness or injury. For the purpose of prioritization of intervention, risk factors are designated as ***high, medium or low***:

- a) **High – practices and procedures, or violations of Article III, that pose a higher risk for the transmission of foodborne illness. These violations require immediate attention for corrective action, or suitable alternative intervention, to diminish risk until the violation can be corrected. A follow-up inspection, or reinspection, may be required to be conducted.**
- b) **Medium – practices and procedures, or violations of Article III, that pose a lower risk to the public health and safety. They may require immediate corrective action, but may not require a follow-up inspection.**
- c) **Low-conditions or violations that are not high risk. These violations may not require immediate correction, however, control of these conditions supports, facilitates or enables control of high and medium risk conditions.**

Routine Inspection – An inspection conducted to assess all physical areas, and food-related practices, functions and records of a food facility. Routine inspections are conducted on a regular schedule based upon assigned priority.

Sanitization – The application of cumulative heat or concentration of chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

Sealed – Free of cracks or other openings that allow the entry or passage of moisture.

Seasonal food facility- a food facility that routinely operates for no more than six (6) consecutive months each year in association with **a seasonal event, such as, but not limited to** flea markets or farmers' markets.

Self-service - the practice of **patrons** dispensing their own food or beverages.

Self-service food facility – provides packaged foods or whole fruit using an automated payment system and has controlled entry not accessible by the general public; also known as an Unattended Food Facility. This definition does not include groups of 5 (five) or less vending machines that only provide non-TCS food items.

Service animal – an animal such as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

Service sink – A sink used for obtaining water for the purposes of cleaning, and for the disposal of mop water or other similar liquid waste.

Sewage – Liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

Shared kitchen - a commercial kitchen in which three or more food businesses or operations with different permit holders is using the same commercial kitchen facilities for the disposal of waste, storage or production of food or as an operational base, warewashing facility, or commissary.

Shell egg - The product of domesticated avian species, enclosed in a shell, to be used for human consumption.

Shellstock - raw, in-shell Molluscan shellfish.

Shucked shellfish - Molluscan shellfish that have one or both shells removed.

Single-service articles - items used by the retailer or consumer such as cups, containers, lids, and packaging materials, including bags and similar articles, intended for contact with food, and designed for one-time, **one person** use, **after which they are intended for discard.** The term does not include "single-use" articles.

Single-use articles -

- a) **Utensils and bulk food containers designed and constructed to be used once and discarded.**
- b) **The term includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans which do not meet the materials, durability, strength, and cleanability specifications for multi-use.**

Smooth -

(1) A food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel;

(2) A non-food-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and

(3) A floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

Sous vide packaging - A type of reduced oxygen packaging in which raw or partially cooked food is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

Sulfiting agent - A substance which imparts a residual of sulfur dioxide.

Tableware - see Utensil

Tamper evident - having one or more indicators or barriers to entry which, if breached or missing, can reasonably be expected to provide visible evidence to consumers that tampering has occurred.

Temporary event - a public or social occasion which operates no more than 14 consecutive days where temporary food facilities operate.

Temporary Food Facility - a food facility that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

Time and Temperature Control for Safety food (TCS food) -

- a) **A food that requires time/temperature control for safety (TCS food) to limit pathogenic microorganism growth or toxin formation.**
- b) **TCS food includes:**

- 1) **An animal-derived food that is raw or heat-treated; a plant-derived food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes, or cut tomatoes or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation.**
- 2) **Except as specified in subsection (c) (4) of this definition, a food that because of the interaction of its a_w and pH values is designated as Product Assessment required (PA) in Table A or B of this definition.**

INTERACTION OF pH and a_w FOR CONTROL OF SPORES IN FOOD:

Table A			
<u>Food that is heat-treated to destroy vegetative cells and subsequently packaged</u>			
<u>a_w values</u>	<u>pH values</u>		
	<u>4.6 or less</u>	<u>>4.6 – 5.6</u>	<u>>5.6</u>
<u>≤0.92</u>	<u>non-TCS*</u>	<u>non-TCS</u>	<u>non-TCS</u>
<u>>.092 - .95</u>	<u>non-TCS</u>	<u>non-TCS</u>	<u>PA***</u>
<u>>.95</u>	<u>non-TCS</u>	<u>PA</u>	<u>PA</u>
<u>* TCS means Time and Temperature Controlled for Safety Food</u>			
<u>***PA means Product Assessment required</u>			

Table B				
<u>Food that is not heat-treated, or heat treated but not packaged</u>				
<u>a_w values</u>	<u>pH values</u>			
	<u><4.2</u>	<u>4.2 – 4.6</u>	<u>>4.6 – 5.0</u>	<u>>5.0</u>
<u><0.88</u>	<u>non-TCS</u>	<u>non-TCS</u>	<u>non-TCS</u>	<u>non-TCS</u>
<u>0.88 – 0.90</u>	<u>non-TCS</u>	<u>non-TCS</u>	<u>non-TCS</u>	<u>PA***</u>
<u>>0.90 – 0.92</u>	<u>non-TCS</u>	<u>non-TCS</u>	<u>PA</u>	<u>PA</u>
<u>>0.92</u>	<u>non-TCS</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>
<u>* TCS means Time and Temperature Controlled for Safety Food</u>				

*****PA means Product Assessment required**

c) **TCS food does *not* include:**

- 1) **An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable *salmonellae*;**
- 2) **A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;**
- 3) **A food that because of its pH or a_w value, or interaction of a_w and pH values, is designated as a non-TCS food in Table A or B of this definition;**
- 4) **A food that is designated as Product Assessment Required (PA) in Table A or B of this definition and has undergone a product assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is prevented due to:**
 - a. **Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients,**
 - b. **Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use, or**
 - c. **A combination of intrinsic and extrinsic factors; or**
- d) **A food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the subsections (c) (1)–(4) of this definition even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.**

Utensil – A food-contact implement or container used in the storage, preparation, transportation, dispensing, sale or service of food. The term includes items such as the following:

- a) **Kitchenware or tableware that is multi-use, single-service or single-use;**
- b) **Gloves used in contact with food;**
- c) **Food temperature measuring devices; and**
- d) **Probe-type price or identification tags used in contact with food.**

Vacuum packaging – A type of reduced oxygen packaging in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package, such as sous vide.

Variance – a written document issued by the Department that authorizes a modification or waiver of one or more requirements of this Article.

Vending Machine - a self-service device that provides unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

Vendor – see Operator

Warehouse- An operation that stores or distributes food, including cold storage, and that does not primarily sell directly to the consumer.

Warewashing – The cleaning and sanitizing of utensils and food-contact surfaces of equipment.

Water activity (a_w) –A measure of the free moisture in a food, obtained by dividing the water vapor pressure of the substance by the vapor pressure of pure water at the same temperature.

Whole-muscle, intact beef – Whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

**Allegheny County Health Department
ARTICLE III. FOOD SAFETY**

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Glossary of Commonly Used Abbreviations

ANSI American National Standards Institute

CFPM Certified Food Protection Manager

CFR Code of Federal Regulations

CCP Critical Control Point

DEP The Pennsylvania Department of Environmental Protection

EPA The United States Environmental Protection Agency

FDA The United States Food and Drug Administration

HACCP Hazard Analysis Critical Control Point

MFC Model Food Code

NSF National Sanitation Foundation

PDA The Pennsylvania Department of Agriculture

TCS Time and Temperature Control for Safety

USDA The United States Department of Agriculture

SECTION 300. PURPOSE AND SCOPE

The purpose of this Article is to safeguard public health through the application of the principles of food safety, foodborne illness prevention and environmental health in food facilities. This Article shall be liberally construed and applied to promote the underlying purpose of protecting the public health; **and shall be consistent with the laws of the Commonwealth of Pennsylvania.**

This Article establishes definitions; sets standards for **management, personnel, operations, employees and equipment and facilities;** and provides for food facility plan review, **food** permit issuance, inspection, Hazard Analysis Critical Control Point (HACCP) **Plan** evaluation, **food permit** suspension and revocation, and penalties.

SECTION 301. APPLICABILITY

A. This Article provides for the regulation of food operations, **to include but not limited to,** in restaurants and eating establishments, hospitals, nursing homes, personal care homes, schools, retail stores, food processors, caterers, warehouses, temporary and seasonal food facilities ~~stands,~~ mobile food ~~units~~ **facilities,** and other similar food facilities which **directly or indirectly** provide food to the public. Farms which provide unprocessed food to the public are exempt from this Article.

B. A retail food facility that sells only a food in its raw or natural state, including all fruits which are washed, colored or otherwise treated in their unpeeled, natural form prior to marketing shall be exempt from this article.

PLAN REVIEW, PERMITTING, AND PLACARDING

SECTION 302 330. FOOD PERMITS

302 330.1 General Permits

A. It shall be unlawful for any person to operate a food facility in the County of Allegheny ~~County~~ without first obtaining a valid **and appropriate food facility** health **food** permit from the **Department.**

B. This **food** permit, unless ~~revoked or~~ suspended, shall be valid for a period of no more than a **one (1)** year and for use only by the person or persons owning the business establishment at the address given at the time of issuance. Such permits are not transferable. Caterers who operate out of an existing permitted facility must also possess a valid health permit. All **food** permits shall be posted in a place conspicuous **easily viewable** to the public. Only persons who comply with all applicable Department Rules and Regulations, State and Federal Laws shall be entitled to receive and retain such a permit.

C. Food permits are not transferable by address, owner or change of classification. Any change of address, owner or classification shall require a new food permit. Any attempted food permit transfer shall be deemed void and shall immediately invalidate the food permit.

D. Nonprofit food facilities including, but not limited to, those listed below that use or offer food for human consumption shall be classified and permitted as determined by the Department:

- 1. A tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 501(c)(3)).**
- 2. A volunteer fire company or ambulance, religious, charitable, fraternal, veterans, civic, sportsmen, agricultural fair or agricultural association, or a separately chartered auxiliary of an association on a nonprofit basis.**
- 3. An organization that is established to promote and encourage participation and support for extracurricular recreational activities for youth of primary and secondary public, private and parochial school systems on a nonprofit basis.**

E. Only food facility owners or operators who comply with all applicable Department Rules and Regulations, Pennsylvania law, Federal law, and all orders issued thereunder, shall be entitled to receive and retain such a permit.

F. By accepting a food permit issued by the Department, the operator of the food facility consents to inspection of the premises by the Food Safety Program personnel during hours of operation and other reasonable times during which the facility is not open.

302.2 Classification

For the purposes of this Article, the following classifications of food facilities shall be applied:

A. Class I is a food facility that only handles commercially prepackaged non-time and temperature controlled for safety (TCS) food. Class I facilities are exempt from permitting requirements of this Article but are required to register with the Food Safety Program before operation of the retail food facility pursuant to 7 PA Code § 46.212.

- 1. Registration process includes:**
 - (a) Completion and submission of the registration application;**
 - and**
 - (b) Payment of fees according to the Food Safety Fee Schedule.**
- 2. A retail food facility that is exempted from permitting requirements under this section shall remain subject to inspections and all other provisions of this Article.**

B. Class II is a food facility that only handles commercially prepackaged TCS food.

C. Class III is a food facility that handles TCS food prepared for same day service without a cooling step or that prepares non-TCS Foods.

D. Class IV is a food facility that handles TCS food with complex food preparation steps such as cooling, reheating, and hot holding.

302.3 330.2 Permit Fees

A. ~~At the time of application,~~ **Prior to receiving a food permit,** each **food facility owner or operator** ~~person who applies for a permit shall be required to pay applicable fees applicable to his particular business as set forth in the Food Safety Fee Schedule.~~

B. ~~D.~~ All permit fees shall be set forth in a schedule as determined by the Director upon annual consultation with **approval from** the Board of Health.

C. A single permit holder **owner or operator operating** conducting more than one **food facility** business activity in the same structure, shall **obtain a separate food permit and** pay a separate fee for each **food facility** business activity up to the maximum amount **as** listed on the health permit fee schedule. ~~No refunds due to termination of business or temporary/seasonal suspension of business shall be permitted.~~

B. ~~In the event that the business of a person dealing in food and foodstuffs, including retailers, wholesalers, processors, manufacturers, is not completely in the fee schedule, he shall pay the fee applicable to the business described most nearly resembling the business in which he is engaged.~~

E. A. Temporary food facilities shall obtain a separate temporary food permit per each temporary event and location. ~~A separate permit is required for each temporary and seasonal food stand per each event and location, except for food facilities at farmers markets which require only one seasonal permit for multiple sites. A temporary permit is valid for a maximum of 14 days; a seasonal permit is valid for a maximum of 6 months. **The temporary food permit shall act as the placard for operation of a temporary food facility.**~~

F. Seasonal food facilities shall obtain a seasonal food permit and are not required to obtain a separate food permit for each date of operation within the season. Seasonal food facilities operating in different sites on the same day are required to obtain a separate permit for each facility. The seasonal food permit is valid for a maximum of 6 months. The seasonal food permit shall act as the placard for operation of a seasonal food facility.

G. ~~E.~~ Additional fees may be assessed for the furnishing of special services or materials that are not ordinarily provided under permit or pursuant to regulation. Such fees **services** may include **activities** ~~service~~ performed outside regular departmental working hours and will be charged ~~for~~ at a rate equal to the cost of providing the service.

H. No refunds shall be issued due to permanent or temporary termination of business.

SECTION 303 335. PLACARDING OF FOOD FACILITIES

303 335.1 General Placarding

A. No food facility shall be operated within the County of Allegheny unless, following an inspection by the Director, it conforms with the requirements of this Article. All **permitted food** facilities which meet the requirements of this Article shall display the a placard, provided by the Department which reads, **Placards shall be posted at all patron entrances of the food facility and drive through service windows so as to be clearly conspicuous to persons entering or obtaining food from the facility. Placards shall not be altered, concealed or removed. Removal shall only be at the direction of the Department.**

303 335.2 "Inspected and Permitted by the Allegheny County Health Department" **placard**

All food facilities that meet the requirements of this Article shall display this placard unless subject to subsections 303.3 or 303.4 of this Article.

303 335.3 "Consumer Alert" placard

When the food facility fails to meet the requirements, and upon inspection has significant critical **high or medium risk** violations remaining or recurring, the Director **Department** is authorized to post the "Consumer Alert" placard on the food facility. A food facility placarded with a "Consumer Alert" is allowed to operate for a temporary period not exceeding ten (10) **calendar** days. At the end of this temporary period of operation, the Director shall suspend the health permit if significant critical violations remain. **The permit holder may request a reinspection, in writing, before the expiration of the ten (10) day period. An inspection shall be conducted either prior to expiration of the temporary period, or on the tenth day to determine compliance with this Article, but no sooner than twenty-four (24) hours after the Consumer Alert placard is posted. The Department retains the right to inspect a facility within the twenty-four (24) hour period for emergency situations. Upon inspection, one of the following shall occur:**

1. The "Inspected and Permitted by the Allegheny County Health Department" placard is posted, if the facility complies with the requirements of this Article;

2. The "Consumer Alert" placard remains if high or medium risk violations remain and the ten (10) day period has not expired. The facility will then be reinspected at the expiration of the temporary period at the owner's expense; or

3. The "Closed by Order of the Allegheny County Health Department" placard is posted, if the violations remain or have recurred, and the ten (10) day period has expired.

B303.4. "Closed by Order of the Allegheny County Health Department" placard

D. It shall be unlawful to operate any food facility with a "Closed by Order of the Allegheny County Health Department" placard suspended permit. A suspended permit "Inspected and Permitted by the Allegheny County Health Department" placard can only be reinstated posted after a Department inspection has verified the correction of the all critical violations that led to the closure.

The Department is authorized to post the "Closed by Order of the Allegheny County Health Department" placard on food facilities under any of the following conditions:

1. If the Director Department finds at any time that conditions warrant or there is an imminent health hazard under the provisions of § 343 of this Article, imminent danger to the public health, he shall suspend the health permit and post the food facility with a placard with reads "Closed by Order of the Allegheny County Health Department";

2. Upon the expiration of the Consumer Alert placard and the original violation(s) that led to the Alert remains;

3. The facility is found operating without a valid food permit;

4. The owner of a food facility, after sufficient notice, fails to allow access for inspection; or

5. The Department has provided an opportunity for a hearing under the provisions of § 344 and determines that there is a violation of any section of this Article.

C. Placards shall be posted on all customer entrance doors to the food facility so as to be clearly conspicuous to persons entering the facility. Placards shall not be concealed or removed. Removal shall only be at the direction of the Department.

SECTION 304 334. REVIEW OF FOOD FACILITY CONSTRUCTION PLANS and APPLICATIONS

304.1 All food facilities, shall only be constructed, extensively remodeled, or converted, in accordance with plans and specifications that are approved by the Department in writing.

304.2 334.1 Review of Plans and Fees – Contents and Review

A. Plans and specifications must be submitted to the Department for review and approval prior to any of the following:

1. Whenever a food facility is to be constructed, including new developments and repurposing of a site for food operations;

2. remodeled or altered extensively, or whenever an An existing structure is being converted to a food facility; plans and specifications must be submitted to the Food Protection Program for approval prior to construction.

3. A food facility is remodeled, including but not limited to installation and use of any new major food equipment for heating, cooling, and hot and cold holding food;

4. Change of ownership;

5. Change of commissary;

6. Change of classification; or

7. Operating a Limited Food Establishment, as defined in § 330.

B. Plans and specifications shall include:

1. A tentative menu, or types of food to be sold, stored, prepared or offered, and the following where applicable:

(a) Anticipated volume of FOOD to be stored, prepared, and sold or served

(b) Consumer advisory intentions, if a consumer advisory is required,

(c) Food preparation steps of each food to be processed, in the case of a food processor,

(d) A HACCP Plan for specialized processing methods.

2. A floor plan of the complete food facility premises that is drawn to scale that includes the following at a minimum;

(a) Property boundaries, building locations, garbage and waste oil storage, and grease interceptor, construction materials and finish schedules.

3. A list of complete equipment list that corresponds to the floor plan and includes the manufacturers' names, and model numbers, dimensions and installation specifications;

4. A completed and signed food permit application form—Plan Review Checklist, obtained from the Department;

4. tentative menu items and preparation specifications for HACCP review

5. Payment of the appropriate fee established by the Director for the review of plans; and

6. Proof that the proprietor has applied for or received a sales and use tax license or exemption certificate from the PA Department of Revenue.

7. Other information that may be required by the Department for the proper review of the proposed construction, conversion or modification of a food facility, and requested by the Department in writing.

CB. The fee for review of construction plans **and applications** shall be determined based on 50% of the applicable **the fee schedule** health permit fee for the full year and shall not exceed 20% of the maximum health permit fee. No refunds will be given for any plan review fees whether plans are approved or disapproved.

~~DC.~~ The Department shall **not** approve such plans when **until** they meet all **requirements imposed by this Article and the Department** specifications and the fee has been paid. Whenever plans are disapproved, the Department will respond, in writing, stating the **deficiencies** shortcomings in the plans. **The applicant, after receiving the deficiencies in writing, shall submit revisions based upon the identified deficiencies.** Resubmission of such plans shall be required following their revision. No food facilities shall be constructed, extensively remodeled, or converted, except in accordance with plans and specifications approved by the Department.

304.3 334.2 Pre-Operational Inspection

Whenever plans **or applications** are required under Section **§ 304.2 334.1** or when a food facility changes ownership, an inspection must be conducted by the **Food Safety Program** Department prior to operation to determine compliance with this Article. It is the responsibility of the operator to schedule the inspection. Operators shall provide at least 10 **(ten) calendar** day's notice to the Department for scheduling the pre-operational inspection. **Should a food facility fail to meet the requirements set forth in this Article for the operation of a food facility, a subsequent pre-operational inspection shall be conducted at the owner's expense according to the fee schedule.**

304.4 334.3 Temporary and Seasonal Food Stands Facilities and Mobile Food Unit Plan Review

A completed temporary and seasonal facility application must be submitted, with the applicable food permit fee. Comprehensive plans for all temporary **and seasonal** food stands and mobile food units **facilities.** **These applications** must be reviewed and approved prior to operation. It is the responsibility of the operator to arrange for an inspection prior to operation of such facilities.

SECTION 305 331. INSPECTIONS

Inspections **Announced and Unannounced Inspections** of permitted food facilities shall be conducted on a routine basis, at the discretion of the Director. **Food facilities that operate on an irregular basis or schedule such as, but not limited to, caterers and mobile food facilities shall provide the Department with a schedule annually of planned or intended dates and times of operation.**

A. The frequency of the **routine** inspections shall be based on the size, type **of operation** and prior inspection history of the food facility. Priority facilities shall be inspected more frequently than non-priority facilities. During inspections, operators must provide access to all pertinent records and to all areas of the facilities.

B. Reinspections **or follow-up inspections**, as deemed necessary, shall be conducted to determine if cited violations have been corrected.

C. Non-routine inspections and Hazard Analysis-Critical Control Point **HACCP Plan** evaluations (HACCP) may be conducted as needed, when **potential public safety hazards or public health** emergency conditions exist, **or** on a complaint basis, or at the discretion of the Director.

D. The operator or owner shall be provided with a copy of the inspection report **upon completion of the inspection**. All reports shall be on file **and available** for public review in the designated Health Department office.

E. During all inspections, operators must provide access to all pertinent records and to all areas of the premises.

SECTION 306. Temporary and Seasonal Event Registration

A. The event organizer or the responsible party for temporary or seasonal events where 5 (five) or more food facilities will be present must complete an event organizer's application for a temporary or seasonal event at least 14 business days before the expected start of the event. The application must include the following information to be processed:

- 1. Estimated number of food facilities registered for the event;**
- 2. Dates, times, and location of the event.**
- 3. Business names and contact information of expected food vendors;**
- 4. Expected number of people per day;**
- 5. Water supply plan;**
- 6. Waste and refuse disposal plan, which must comply with sections 320 and 324 of this Article;**
- 7. Electrical power supply plan;**
- 8. Contact information for the designated point of contact on the day(s) of the event.**

B. Payment of application fees shall be based on the number of registered food facilities. No refunds will be provided due to termination or cancelation of the event or a food facility's failure to attend.

C. Event organizer must designate a point of contact that shall be present at the event and available to the Department.

D. Failure to comply with this section may result in enforcement actions including, but not limited to, monetary penalties and closure orders for temporary or seasonal operators that have failed to submit timely application materials.

EQUIPMENT, UTENSILS, AND LINENS

SECTION 307 ~~308~~. PERMISSIBLE EQUIPMENT AND MATERIALS

307 ~~308~~.1 General

Multi-use equipment, and utensils shall be constructed and repaired with safe, non-toxic materials, including finishing materials; shall be corrosion resistant, nonabsorbent; and shall be smooth, easily cleanable, and constructed to be durable under conditions of normal use. Single-service **and single-use** articles shall be made from clean, sanitary, safe materials. Equipment, utensils, and single-service **and single-use** articles shall not impart odors, color or taste, nor contaminate food in any other manner.

307 308.2 Solder Lead

If solder is used, it shall be lead-free, composed of safe materials, and be corrosion resistant. **Tableware and utensils, solder, flux and pewter alloys shall be lead-free, or contain levels of lead not exceeding the recommended limits for food-contact surfaces as stated in § 4-101.13 of the Model Food Code (MFC).**

307 308.3 Wood

Hard maple or equivalent nonabsorbent **close-grained** wood that meets the general requirements set forth in the above sections of this Article may be used for cutting boards, bakers' tables, **rolling pins, doughnut dowels, salad bowls, and wooden paddles that are subject to 230°F or above.** Wood may also be used for single-service articles, such as chopsticks, stirrers, or ice cream spoons. Wood shall not be used as a food-contact surface under other circumstances. Pressure **or chemically** treated lumber or other similar material is prohibited on exposed surfaces in food preparation, food storage, and utensil washing areas. **Food that requires removal of rinds, peels, husks, or shell may be stored in treated wood if it meets the requirements of 21 CFR § 178.3800 Preservatives for wood.**

307 308.4 Plastics and Rubber Materials

Approved plastic, rubber, or rubber-like materials that are resistant under normal conditions to scratching, scoring, decomposition, crazing, **chipping,** and distortion; that are of sufficient weight and thickness, to permit cleaning and sanitizing by normal warewashing methods; and which meet the general requirements set forth in previous sections of this Article, are permitted for repeated use.

307 308.5 Cutting Surfaces

When cutting surfaces can no longer be effectively cleaned and sanitized due to scratching or scoring, these surfaces shall be repaired or replaced as determined by the Director.

307 308.6 Single-Service and Single-Use Articles

Single-service **and single-use** articles shall not be reused.

307 308.7 Mollusk and Crustacea Shells

The reuse of mollusk and crustacea shells as food containers is prohibited. **Mollusk and crustacea shells may not be used more than once as serving containers.**

307.8 Cast Iron

Cast iron may be used as a cooking surface Cast iron may only be used as a utensil for serving food if the utensil is used only as part of an uninterrupted process from cooking through service.

307 308.9 Galvanized Metal

Galvanized metal may not be used in contact with acidic food.

307.10 Copper

Copper and copper alloys may not be used in contact with food that has a pH below 6, or for installation between a backflow prevention device and a carbonator. Copper and copper alloys may be used in contact with beer brewing ingredients in the pre-fermentation and fermentation steps of a brewing operation.

307.11 Perfluorocarbon resin

Only non-scoring or non-scratching utensils and cleaning aids shall be used with multi-use kitchenware that has a perfluorocarbon resin coating.

307.12 Sponges

Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

307.13 Food temperature measuring

Food temperature measuring devices shall not have sensors or stems constructed of glass that are not encased with a shatterproof coating.

SECTION 308 309. EQUIPMENT AND MATERIALS DESIGN, AND FABRICATION

308 309.1 General

All equipment and utensils shall be maintained in good repair to comply with the requirements of this Article. All equipment and utensils, including plastic-ware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping, **cracking**, and crazing.

A. Equipment that is certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program, such as the National Sanitation Foundation (NSF) is deemed to comply with § 307 and § 308 of this Article. All equipment and utensils must conform to National Sanitation Foundation (NSF) Standards or other equivalent standards in food industries where NSF Standards do not apply. These standards are on file at the Allegheny County Health Department.

B A. food-contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult-to-clean internal corners and crevices. Cast iron may be used as a food contact surface only if the surface is used for cooking. **Container closures and the T threads of connectors** shall be designed to facilitate cleaning; ordinary "V"- type threads are prohibited in **on** food-contact surfaces, except that in equipment such as ice makers, **with the exception of** hot oil cooking equipment or hot oil filtering systems, such threads shall be minimized.

C B. Equipment containing bearings and gears requiring lubricants not made of safe materials shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces. Equipment

designed to receive lubrication of bearings and gears on or within food-contact surfaces shall use food grade lubricants approved by **that meet the requirements of** the U.S. Food and Drug Administration in the Code of Federal regulations **21 CFR § 178.3570, Lubricants with incidental food contact.**

D. Tubing conveying beverages or beverage ingredients to dispensing heads may **not** be in contact with stored ice **intended for consumption**; provided that such tubing is fabricated from safe materials, is grommeted at entry and exit points to preclude condensation from entering the ice machine or the ice storage bin, and is kept clean **except for cold plates that are constructed integrally with an ice storage bin.** Drainage or drainage tubes from dispensing units shall not pass through the **an** ice machine or the **an** ice storage bin.

E. Sinks and drain boards shall be sloped to drain and be self-draining. All utensil **and warewashing** sinks must have at least one properly installed drain board.

308 309.2 Accessibility

Food-contact surfaces shall be accessible for cleaning and inspection, unless designed for in-place cleaning **to be Cleaned in Place (CIP):** food-contact surfaces shall be accessible for cleaning and inspection:

- A. Without being disassembled; or
- B. By disassembling without the use of tools; or
- C. By easy disassembling with the use of only simple tools, such as **pliers** mallets, screwdrivers, or open-end wrenches which are kept near the equipment.

308 309.3 In-Place Cleaning Cleaned in Place (CIP)

Equipment intended for in-place cleaning **to be CIP** shall be so designed and fabricated that:

- A. Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and
- B. Cleaning and sanitizing solutions will contact all interior food-contact surfaces; and
- C. The system is self-draining or capable of being completely evacuated **of cleaning and sanitizing solutions; and**

D. Designed with inspection access points to ensure that all interior food-contact surfaces are being effectively cleaned, if the equipment is not capable of being disassembled.

308 309.4 Non-Food-contact Surfaces

Surfaces of equipment not intended for contact with food, but which are exposed to splash or FOOD debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, **corrosion-**

resistant, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of such material and in such repair as to be easily maintained in a clean and sanitary condition.

All hoods must be constructed in accordance with NSF Standard #1 and the National Fire Prevention Association Code (NFPA) #96.

308 309.5 Microwave ovens

Microwave ovens shall meet the safety standards specified in 21 CFR § 1030.10 Microwave ovens.

309.5 Maintenance of Equipment and Utensils

All equipment and utensils shall be maintained in good repair to comply with the requirements of this Article.

308 309.6 Dishwashing Machines

A. Dishwashing machines shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operation specifications.

B. Dishwashing machines shall be equipped with a temperature measuring device that indicates the temperature of the water in each wash and rinse tank and as the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

C. Dishwashing machines that provide a fresh hot water sanitizing rinse shall be equipped with a pressure gauge or similar device that measures and displays the water pressure in the supply line immediately before entering the dishwashing machine.

308 309.7 Food Temperature Measuring Devices

Suitable metal probe-type numerically scaled indicating thermometers, or other approved temperature measuring devices shall be provided, readily accessible, and used to assure the attainment and maintenance of proper internal cooking, reheating, cooling, holding, or refrigeration temperatures of all TCS FOOD. Such thermometers shall be clean, properly calibrated, provide a minimum range of 0°F -220°F in increments no greater than 2°F, and be accurate according to the following:

- 1. Accurate to ±1°C if scaled in Celsius, or dually scaled in Celsius and Fahrenheit; or**
- 2. Accurate to ±2°F if scaled only in Fahrenheit.**

SECTION 309 310. EQUIPMENT INSTALLATION AND LOCATION

309 310.1 Location

A. Equipment must be installed as to be easily cleanable and to permit the easy cleaning of the surrounding areas.

B. Food equipment shall not be located under exposed, unshielded sewer **and wastewater** lines, **leaking** water lines that are leaking, water lines on which condensed water may **has** accumulated, open stairwells, or other sources of

contamination, except for automatic fire protection sprinkler heads that may be required by law.

C. Equipment shall be located so that aisles, working spaces between pieces of equipment, and working spaces between equipment and walls are unobstructed and sufficient to permit **cleaning and maintenance, and for employees-food workers** to perform their duties without contaminating food and food-contact surfaces.

309 310.2 Installation

A. **Counter and** Table-mounted equipment:

1. ~~Table-mounted equipment~~ shall be installed to permit cleaning of the equipment and adjacent areas; **and**

2. ~~Table-mounted equipment~~, unless **easily movable** portable, shall be sealed to the table **or counter**, or elevated on legs that provide at least a 4-inch clearance between the table and the equipment.

B. Floor-mounted equipment:

1. ~~Floor-mounted equipment~~, unless easily movable, shall be sealed to the floor or elevated on legs that provide at least a 6-inch clearance between the floor and the equipment.

2. Display shelving units, refrigeration units, and freezer units are exempt from this requirement if they are installed so that the floor beneath the units can be cleaned.

C. Spacing for fixed equipment: unless there is space that will permit employee **food worker** access for cleaning alongside, behind, and above a unit of fixed equipment, the space between it and adjoining equipment, walls and ceilings shall be sealed if more than 1/32 inch.

SECTION 310 311. EQUIPMENT AND UTENSIL HANDLING AND STORAGE CLEANING

310 311.1 Handling

Cleaned and sanitized equipment and utensils shall be handled **by food workers** in a way that protects them from contamination. Spoons, knives, and forks shall be touched only by their handles. Cups, glasses, bowls, plates and similar items shall be handled without touching food-contact surfaces. **Soiled tableware shall be removed from consumer areas and handled so that clean tableware is not contaminated.**

310 311.2 Storage

A. Cleaned and sanitized utensils and equipment **Single-service and single-use articles** shall be stored:

1. aAt least 6 inches above the floor;

2. iIn a clean, dry location;

~~3. in a way that p~~**Protected**s them from contamination by splash, dust, and other means **contamination;** **and** The food-contact surfaces of fixed equipment shall also be protected from contamination.

~~4. Equipment and utensils shall~~ **N**ot be placed under exposed sewer lines or **leaking** water lines, except for automatic fire protection sprinkler heads that may be required by law.

B. Cleaned and sanitized utensils shall be air dried before being stored or shall be stored in a self-draining position.

C. Glasses and cups shall be stored inverted, wherever practical. Facilities for the storage of knives, forks, and spoons shall be designed and used to present the handle to the employee **food worker** or consumer. Unless tableware is pre-wrapped, holders for knives, forks, and spoons at self-service locations shall protect these articles from contamination and present the handle of the utensil to the consumer.

310 311.3 Single-Service and Single-Use Articles

~~A. SINGLE SERVICE ARTICLES shall be stored at least 6 inches above the floor in closed cartons or containers which protect them from contamination and shall not be placed under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law.~~

~~A~~ **B.** Single-service **and single-use articles** shall be handled and dispensed in a manner that prevents contamination of surfaces which may come in contact with **the food-contact surface** or with the mouth of the user.

~~B~~ **C.** Single-service knives, forks and spoons PACKAGED in bulk shall be inserted into holders or be wrapped by employees **food workers** who have washed their hands **and donned gloves** immediately prior to sorting or wrapping the utensils. Unless single-service knives, forks and spoons are prewrapped or pre-packaged, holders shall be provided to protect these items from contamination and present the handle of the utensil to the consumer.

310 311.4 Prohibited Storage Area

The storage of food equipment, utensils or single-service **and single-use** articles in toilet rooms or their vestibules, garbage rooms, or mechanical rooms, **locker rooms, open stairwells or where there are any other sources of contamination** is prohibited. **Laundered linens, single-service, and single-use articles that are packaged, or stored in a closed cabinet, may be in a locker room.**

SECTION 311 312. CLEANING AND SANITIZING OF EQUIPMENT AND UTENSILS

311.1 General

Equipment, food-contact surfaces, and utensils shall be clean to sight and touch. The food-contact surfaces of cooking equipment shall be kept free of encrusted grease deposits and other soil accumulations. Non-food-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

311.2 312.1 Cleaning Frequency

~~A. Tableware shall be washed, rinsed, and sanitized after each use.~~

~~AB. To prevent cross-contamination, kitchenware **utensils** and FOOD-contact surfaces of equipment shall be: **cleaned in accordance with § 311.4 or § 311.5 of this Article. This practice shall be done after each use, between foods requiring different cooking temperatures, and following any interruption of operations, during which time, contamination may have occurred.**~~

- ~~1. Washed (hot, soapy water);~~
- ~~2. Rinsed (clear water);~~
- ~~3. Sanitized (APPROVED sanitizer and water); and~~
- ~~4. Air dried.~~

~~This practice shall be done after each use and following any interruption of operations, during which time, contamination may have occurred.~~

~~BC. Where equipment and utensils are used for the preparation of potentially hazardous food **TCS food** on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be washed, rinsed and sanitized at **least every 4 hours, regular intervals. Cleaning and sanitizing at a time interval other than every 4 hours** This schedule is subject to the approval of the regulatory authority and shall be based on **ambient temperature**, food temperature, type of food, and amount of food particle accumulation: **as stated in § 4-602.11 of the MFC.**~~

~~CD. **The food-contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil.** The food-contact surfaces of grills, griddles, **cooking and baking equipment**, and similar cooking devices; **beverage dispensers; and areas subject to food debris and splashes, such as** the cavities and door seals of microwave ovens; shall be cleaned at least once a day. ~~Except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil.~~~~

~~**D. Consumer self-service equipment, such as condiment dispensers and display containers for non-TCS foods, shall be cleaned and sanitized before restocking.**~~

~~E. Non-food contact surfaces of equipment shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.~~

~~**311.3 312.2 Wiping Cloths**~~

~~A. Cloths used for wiping food spills on tableware, such as plates, or bowls being served to the consumer, shall be clean, dry, and used for no other purpose.~~

~~B. Moist cloths or sponges while being used for wiping food spills on kitchenware, food-contact and non-food-contact surfaces of equipment, shall~~

be clean and rinsed frequently in one of the sanitizing solutions permitted in Section 312.3(E) and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses **and laundered daily.**

C. Moist cloths in-use for wiping surfaces in contact with raw animal-derived foods shall be kept separate from cloths used for other purposes while in use.

311.4 312.3 Manual Cleaning and Sanitizing

~~A. For manual washing, rinsing and sanitizing utensils and equipment, a sink with no fewer than three compartments shall be provided and used. Sink compartments shall be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Fixed equipment and utensils, and equipment too large to be cleaned in the sink compartments, shall be washed and then sanitized manually, or cleaned and sanitized through pressure spray methods.~~

~~B. Drain boards of adequate size shall be provided for proper handling of soiled utensils prior to washing and for clean utensils following sanitizing and shall be located so as not to interfere with the proper use of the dishwashing facilities.~~

~~A C. Equipment and utensils shall be pre-flushed or pre-scraped and, when necessary, pre-soaked to remove gross food particles and soil.~~

~~B D. Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing and sanitizing shall be conducted **according to** in the following sequence:~~

- ~~1. Sinks shall be cleaned prior to use;~~
- ~~2. **Pre scraped e**Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution, **at least 110F,** that is kept clean;~~
- ~~3. Equipment and utensils shall be rinsed free of detergent and abrasives in clean water in the second compartment;~~
- ~~4. Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in Section ~~312.3(E)(1) through (4)~~ **§ 311.4(E) (1)-(6); and**~~
- ~~5. Equipment and utensils shall be air dried.~~

~~C E. The food-contact surfaces of all equipment and utensils shall be sanitized **based upon pH of the solution** by:~~

- ~~1. Immersion for at least thirty **(30)** seconds in clean, hot water at a temperature of at least 171°F; or~~
- ~~2. Immersion for at least ten **(10)** seconds in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and having a temperature of at least 75°F; or~~

3. Immersion for at least thirty **(30)** seconds in a clean solution containing at least 12.5 - **25** parts per million of available iodine and having a temperature of at least ~~75~~**68**°F; or

~~4. Immersion for at least thirty (30) seconds in a clean solution having a concentration of quaternary ammonium compound as indicated by the EPA-registered label use instructions and having a minimum temperature of at least 75°F in a clean solution containing any other chemical sanitizing agent allowed by the U.S. Food and Drug Administration in the Code of Federal Regulations, that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite and having a temperature of at least 75°F for ten seconds; or~~

5. Treatment with steam free from materials or additives other than those specified by the U.S. Food and Drug Administration (**FDA**) in the Code of Federal Regulations in the case of equipment too large to be sanitized by immersion but in which steam can be confined; or

6. Immersion, rinsing, spraying or swabbing with in a clean solution containing any other chemical sanitizing agent allowed by the FDA in the 21 CFR § 178.1010, when evaluated to yield adequate SANITATION.

~~6. Rinsing, spraying, or swabbing with a chemical sanitizing solution of at least the strength required for that particular sanitizing solution under Section 312.3(E)(4) above, in the case of equipment too large to sanitize by immersion.~~

D F. When hot water is used for sanitizing **in manual warewashing**, the following facilities shall be provided and used:

1. An integral heating device or fixture installed in or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 171°F; and
2. A numerically scaled indicating thermometer accurate to ~~±23~~**±1.5**°F or **±1.5**°C convenient to the sink that can be used for frequent checks of water temperature; and
3. Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, **utensils** and equipment in the hot water.

E. Fixed equipment and utensils too large to be cleaned in a sink compartment shall be cleaned and sanitized manually, through pressure spray methods, in a warewashing machine, or an alternative method as specified in § 4-301.12 of the MFC.

~~G. When chemicals are used for sanitizing, they shall not have concentrations higher than the maximum permitted by the U.S. Food and Drug Administration in the Code of Federal Regulations. Test strips, a test kit, or other device that accurately measures the parts per million concentration of the solution shall be provided and used.~~

311.5 312-4 Mechanical Cleaning and Sanitizing

A. Cleaning and sanitizing may be done by spray-type or immersion dishwashing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils. Such machines and devices shall be properly installed and maintained in good repair. Machines and devices shall be operated in accordance with the manufacturer's instructions, and utensils and equipment placed in the machine shall be exposed to all dishwashing cycles. Automatic detergent dispensers and wetting agent dispensers, and liquid sanitizer injectors, if any, shall be properly installed and maintained. All mechanical cleaning and sanitizing EQUIPMENT must **should** comply with NSF **or ANSI** Standards.

B. Operation and efficacy of mechanical cleaning and sanitizing equipment should be tested at least daily.

312.5 In-Place Cleaning

Equipment intended for in-place cleaning shall be so designed and fabricated that:

A. Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and

B. Cleaning and sanitizing solutions will contact all interior food-contact surfaces; and

C. The system is self-draining or capable of being completely evacuated.

311.6 312-6 Air Drying

All equipment, tableware and utensils shall be air-dried **on a non-absorbent clean surface after sanitation.**

311.7 312-7 Sanitizing Sanitization Monitoring

When chemicals are used for sanitizing, they shall not have concentrations higher than the maximum permitted by the U.S. Food and Drug Administration **FDA** Code of Federal Regulations **and shall be used in accordance with the label-use instructions registered with the U.S Environmental Protection Agency (EPA).** Test strips, a test kit, or other device that accurately measures the parts per million concentration of the solution shall be provided and used. When hot water is used for sanitizing, heat sensitive tapes **or other approved measuring device** shall be provided and used to monitor final ~~rinse~~ **sanitation** temperature.

PHYSICAL SITE

SECTION 312 320. FLOORS, WALLS, AND CEILINGS

312.1 General

Floors, walls and ceilings shall be kept clean and maintained in good repair.

312.2 320.1 Floor Construction

A. Floors, **walls, and ceilings** and floor coverings of all food preparation, food storage, and warewashing areas; dressing rooms; locker rooms; toilet rooms

and vestibules shall be constructed of smooth, durable, **easily cleanable** material, such as sealed concrete, terrazzo, quarry tile, ceramic tile, durable grades of vinyl asbestos or plastic tile, or tight fitting wood impregnated with plastic, and shall be maintained in good repair. Anti-slip floor covering may be used in areas where necessary for safety reasons. Floors shall be kept clean and maintained in good repair. Concrete or pumice blocks and bricks used in these locations shall be finished and sealed to provide a smooth easily cleanable surface.

B. The surfaces of food preparation areas, warewashing areas, toilet rooms, walk-in refrigerators, and other areas subject to moisture under normal conditions shall be nonabsorbent. Studs, joists, and rafters shall not be exposed in areas subject to moisture accumulation.

B. Floors which are flushed with water, or which receive discharges of water or other fluid wastes, or are in areas where pressure spray methods for cleaning are used, shall be provided with properly installed trapped drains. Such floors shall be constructed only of sealed concrete, terrazzo, quarry tile, ceramic tile, or similar materials and shall be graded to drain.

C. In all facilities utilizing concrete, terrazzo, quarry tile, ceramic tile, or similar flooring materials, or where water flushing cleaning methods are used, the junctures between walls and floors shall be coved and SEALED. In all other cases, the juncture between walls and floors shall be covered so as not to present an open seam of more than 1/32 inch (**1 mm**).

312.3 320.5 Utility Line Installation

Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor, **walls, or ceiling**. In all new or extensively remodeled **food facilities** establishments, installation of exposed horizontal utility service lines and pipes on the floor is prohibited.

312.4 Attachments

Light fixtures, vent covers, mounted fans, decorative materials, and similar attachments to walls and ceilings shall be easily cleanable and shall be maintained in good repair. Attachments and decorative materials in a consumer area must be maintained clean.

312.5 320.2 Carpeting

Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleaned, and maintained in good repair. Carpeting shall not be used in food preparation and warewashing areas, in food storage areas, or in toilet room areas, **areas subject to moisture**.

312.6 320.4 Mats and Duckboards

Mats and duckboards shall be of nonabsorbent, grease resistant materials and of such size, design, and construction to facilitate cleaning and shall be maintained **clean and** in good repair.

312.7 320.3 Prohibited Floor Covering

Sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials shall not be used as floor coverings; however, these

materials may be used in amounts necessary for immediate spot clean-up of spills or drippage on floors, and shall be readily removed.

~~SECTION 321. WALLS AND CEILINGS~~

~~321.1 Maintenance~~

~~Walls and ceilings, including doors, windows, skylights, and similar closures, shall be kept cleaned and maintained and in good repair.~~

~~321.2 Construction~~

~~The walls and wall coverings of food preparation areas, warewashing areas, and toilet rooms and their vestibules shall be smooth, nonabsorbent, and easily cleanable. Concrete or pumice blocks and bricks used for interior wall construction in these locations shall be finished and sealed to provide a smooth easily cleanable surface.~~

~~321.3 Exposed Construction~~

~~Studs, joists, and rafters shall not be exposed in those areas listed in Section 321.2 of this Article. If exposed in other rooms or areas, they shall be finished to provide a cleanable surface.~~

~~321.4 Utility Line Installation~~

~~Utility service lines and pipes shall not be exposed on walls or ceilings in those areas listed in Section 312.2 of this Article. Exposed utility service lines and pipes in permitted areas shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings.~~

~~321.5 Attachments~~

~~Light fixtures, vent covers, mounted fans, decorative materials, and similar attachments to walls and ceilings shall be easily cleanable and shall be maintained in good repair.~~

~~SECTION 313 323. VENTILATION~~

~~313.1 General~~

~~**A.** All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapor, **malodorous scents** obnoxious odors, smoke and fumes. Ventilation systems shall be installed and operated according to law and, when vented to the outside, shall not create a nuisance nor an unsightly, harmful or unlawful discharge.~~

~~**B. A.** Intake and exhaust air ducts shall be **designed, installed and** maintained to prevent the entrance of dust, dirt, and other contaminating materials.~~

~~313.2 323.1 Special Specific Ventilation Requirements~~

~~**A.** Intake and exhaust air ducts shall be **designed, installed and** maintained to prevent the entrance of dust, dirt, and other contaminating materials.~~

~~**B.** In new or extensively remodeled establishments, all rooms from which obnoxious odors, vapors, or fumes originate shall be mechanically vented to the outside with an approved system.~~

~~**A C.** Ventilation systems designed for installation over cooking and dishwashing equipment shall be **installed and maintained in accordance**~~

with the most current International Mechanical Code and Fire Code adopted by the Commonwealth of Pennsylvania and as directed by the Local Municipality in which the facility is located. provided with approved ventilating hoods and ducts, blowing devices, fans or other mechanical means. These ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces. Filters, where used, shall be readily removable for cleaning or replacement.

B. Ventilation hoods and devices shall be designed to prevent grease or condensate from draining or dripping into food or onto food preparation surfaces, equipment, utensils, clean linens, and single-service and single-use articles; and from collecting on the walls and ceilings.

C. Filters, where required or used, shall be readily removable for cleaning or replacement.

D. Restrooms **Toilet rooms** must be ventilated to the outside by APPROVED mechanical means, a fully operational **screened** window or, if access **to the outside** is not available, an APPROVED ventless unit.

E. Carbon Monoxide producing devices such as water heaters and dryers must be provided with adequate ventilation in accordance with Article XII "Carbon Monoxide".

SECTION 314 322. LIGHTING

The following **All** areas of a food facility shall be well-lighted **lit** by permanently fixed artificial light sources:

A. At least 20 **50** foot candles of light from a permanently fixed artificial source shall be provided to **at a surface where a food worker is working with food or working with utensils or equipment, such as knives, slicers, grinders or saws where food worker safety is a factor.** work levels of all food preparation surfaces, equipment or utensil washing areas and equipment and utensil storage areas, and restrooms.

B. At least 20 foot candles shall be provided at a surface where food is provided for consumer self-service, display or sales; inside equipment, such as reach-in coolers; and at a distance of 30 inches measured above the floor in areas used for handwashing, warewashing, equipment and utensil storage, and in toilet rooms.

CB. At least 20 **10** foot candles, to be measured at a distance of 30 inches from the floor, shall be provided in all other areas of a food facility, including walk-in refrigerating units, dry storage, dressing rooms, restrooms and garbage/refuse storage areas **and in other areas and rooms during periods of cleaning.**

DC. Light bulbs shall be shielded, coated, or otherwise shatter-resistant Shielding to protect against broken glass falling onto food shall be provided for all artificial lighting fixtures located over, by or within food storage, preparation, service and display areas, **or where there is exposed food; clean linen storage;** and facilities where utensils and equipment are

cleaned and stored, except for areas in which commercially packaged food is stored where the integrity of the package will not be affected by broken glass.

~~E~~D. Infrared or other type heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

SECTION 315 326. GENERAL PREMISES

315 326.1 General

A. ~~The food facility shall be maintained in good repair. All parts of the~~ **premises** ~~property used in connection with operation of the facility shall be reasonably free of litter~~ **kept clean and maintained, free from rubbish, refuse, dust, and dirt** ~~and~~ **free of** ~~articles not essential to the operation or maintenance of the facility.~~

~~B. The premise shall be kept clean and maintained, free from rubbish, refuse, dust, and dirt. The methods of cleaning must be approved and cleaning must be done in a manner least likely to affect food.~~

~~C. At least one (1) service sinks or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops, disposal of mop water or similar liquid wastes.~~

~~B~~ ~~D~~. The surfaces of all exterior areas of the food facility shall be constructed to facilitate maintenance and minimize dust. These surfaces shall be graded to facilitate drainage and eliminate pooling.

~~E. The traffic of unnecessary persons through the food preparation, and utensil washing areas is prohibited.~~

C. Perimeter walls and roofs shall effectively protect the facility from the weather and shall be constructed of weather-resistant materials.

315 326.2 Living Areas

~~No operation of a food facility shall be conducted in any room used as living or sleeping quarters. **Living or sleeping quarters shall not be maintained in any room used for food storage or preparation.** Food service operations shall be separated from any living or sleeping quarters by complete partitioning, and such as a solid, self-closing doors.~~

315 326.3 Laundry Facilities

A. Laundry facilities in a food facility shall be restricted to the washing and drying of linens and work clothes used in the operation. If such items are laundered on the premise, an electric or gas ~~and~~ dryer shall be provided and used.

B. Separate rooms shall be provided for laundry facilities except that such operations may be conducted in storage rooms containing only pre-packaged foods or packaged single-service articles.

315.4 Dressing Rooms and Locker Areas

If food workers routinely change clothes within the facility, rooms shall be designated for that purpose. These designated rooms shall not

be used for food preparation, warewashing, or for the storage of food, equipment, utensils, clean linens, single-service articles, or single-use articles.

315.5 Lockers

Suitable and sufficient number of lockers or other approved facilities shall be provided for the orderly storage of food worker clothing and other belongings. Such lockers or other approved facilities shall be maintained clean and in good repair and shall not be located in any room or area where food is prepared, manufactured, or packed.

SECTION 324. DRESSING ROOMS AND LOCKER AREAS

324.1 General

If employees routinely change clothes within the facility, rooms shall be designated for that purpose. These designated rooms shall not be used for food preparation, storage or service, or for utensil washing or storage.

324.2 Lockers

Suitable and sufficient lockers or other approved facilities shall be provided for the orderly storage of employee clothing and other belongings. Such lockers or other approved facilities shall not be located in any room or area where food is prepared, manufactured, or packed and shall be maintained clean and in good repair.

315.6 326.4 Linens and Clean Work Clothes Storage

A. Clean clothes and linens **and clothes**, including wiping cloths, shall be stored in a clean place, in an orderly manner and protected from contamination until used.

B. Soiled work clothes and linens, including wiping cloths, shall be kept in nonabsorbent containers or washable laundry bags until routinely removed for laundering, and shall be stored to prevent **the** contamination of food, food equipment, and utensils, **clean linens, single-service articles, and single-use articles.**

315.7 326.5 Cleaning Equipment Storage

Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar equipment shall be maintained in good repair and **shall be** stored in a way that does not **to prevent the** contaminate **contamination of** food, utensils, equipment, **utensils,** or **clean** linens, or **single-service articles, or single-use articles** and shall be stored in an orderly manner to facilitate the cleaning of that **the** storage location. Mops and brooms shall be stored off the floor **and, in a position** to facilitate drying **and prevent soiling walls, equipment, or supplies.**

SECTION 316 326.6 ANIMALS IN FOOD FACILITIES

316.1 General

A. Live animals shall be excluded from within the **premises of a** food facility operational areas and from immediately adjacent areas inside the premise.

This exclusion does not apply to edible fish, crustacea, shellfish or fish in aquariums **the following:**

1. Edible fish, crustacea, shellfish, or decorative fish in aquariums.

~~B2.~~ Live or dead fish bait shall be **if** stored separately from FOOD; ~~or food products~~ **equipment, utensils, clean linens, single-service articles or single-use articles.**

~~C3.~~ **Service animals** accompanying physically-challenged **and under the control of** persons **with disabilities** shall be permitted in customer **patron** areas, **in accordance with 28 CFR § 35.136 and Laws of the Commonwealth.**

4. Pets in the common dining areas of nursing homes, assisted living facilities, group homes, or residential care facilities during non-food service times and if the contamination of food contact surfaces is prevented.

5. Pets in pet friendly areas of a retail food facility, with prior approval by the Department in accordance with § 316.2 below.

~~6.~~ ~~Patrol~~ ~~D~~dogs accompanying security or police officers **law enforcement** shall be **that are conducting official duties.** ~~permitted in offices, storage areas and the outside premises.~~

7. Sentry dogs in outside fenced areas.

~~D~~**B.** While on duty, persons employed in the food operational areas of a facility shall not care for or handle any **service animals** **or pets.**

316.2 Pet Friendly Areas

Retail food facilities that allow pets on the premises shall adhere to the following:

- 1. Provide a separate entrance from the outside of the retail food facility to the pet area so that a pet will have direct access to the pet area without entering the non-pet areas of the retail food facility.**
- 2. Post a sign at the front entrance of the retail food facility so that it is easily visible to the public. The sign must state: "Pet Friendly Area: Pets may only access the designated area." The sign shall also include "To report violations, contact Allegheny County Health Department Food Safety Program 412-578-8044."**
- 3. Provide self-closing doors at all entrances to the pet friendly area from the interior of the retail food facility.**
- 4. Limit food preparation to beverage service only in the pet friendly area.**
- 5. Provide hand sanitizer to patrons in the pet friendly area**

6. Maintain the area free of visible hair, dander, and other pet-related waste or debris. Appropriate materials for this purpose shall be kept near the designated area. Dedicated equipment used to clean the area must be kept outside.
7. Prohibit food workers, while on duty, from unnecessary physical contact with any pet.
8. Ensure that all dogs are kept on a leash and remain in the control of the patron while in the pet friendly area. All dogs must have proof of current rabies vaccination and a current license issued by the local jurisdiction, as applicable.
9. Report any human bite from a pet to the Allegheny County Health Department Infectious Disease Program (412) 578-8062.
10. Prevent pets from being placed on seats, tables, countertops, or any other surface that patrons use in the area.
11. Prevent pet contact with any utensils or equipment used for food service or preparation.
12. Water for dogs may be provided by the retail food facility in disposable containers only.

SECTION 317 319. INSECTS, AND RODENTS, CONTROL AND PEST PREVENTION AND MANAGEMENT

317 319.1 General

Effective and approved measures shall be utilized to minimize the entry of rodents, flies, cockroaches, or other vermin **and pests**. The premises shall be maintained free of **in a condition to prevent the entrance, harborage and feeding of** vermin, **insects, rodents and other pests** and in a condition so as to prevent the entrance, harborage and feeding of such vermin. **Dead or trapped vermin shall be removed at a frequency that prevents their accumulation, decomposition or attraction of pests.**

317 319.2 Openings

Outdoor openings to the outside shall be effectively protected against the entry of rodents, **birds**, and insects **and other pests as specified in § 6-202.15 of the MFC**, by **solid**, tight-fitting, self-closing doors; closed windows; screening; controlled air currents; or other **effective** means. Screen doors shall be self-closing, and s **Screen**s for windows, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of breaks. Screening material shall be not less than 16 mesh to the inch. **This sub-section does not apply if flying insects and other pests are absent due to the location of the food facility, the weather, or other limiting conditions unique to the facility.**

317.3 Pest Control Services

The services of a licensed pest control operator shall be required when a food facility has evidence of rodent or insect activity to the extent that rodent droppings are visible, or live insects are seen during an inspection. The food facility shall maintain records of the

pest control operator's services on file for inspection for at least one year.

SECTION 318 325. POISONOUS AND TOXIC MATERIALS

318 325.1 General

A. There shall be present in a food facility only those **approved** poisonous or toxic materials necessary for operating and maintaining the facility; for cleaning and sanitizing equipment and utensils; **for use in laboratory testing procedures**; and for controlling insects and rodents.

B. ~~This does not apply to packaged products offered for retail sale.~~ **Packaged products offered for retail sale are exempt from this subsection.**

318 325.2 Container Labeling

All containers of poisonous or toxic materials shall be prominently and distinctively marked or labeled for easy identification of contents. This shall include **reusable** containers of sanitizing solution, **such as spray bottles.**

318 325.3 Storage

A. Poisonous ~~and~~ **or** toxic materials shall not be stored above or adjacent to food, food equipment, utensils, **clean linens**, equipment **warewashing facilities stations** and drainboards, or single-service items **articles, or single-use articles.** ~~to prevent possible contamination.~~ This requirement does not prohibit the convenient availability of detergents and sanitizer at utensil or dishwashing stations **warewashing stations provided they are stored in a manner that prevents contamination.**

B. **Packaged** poisonous or toxic materials ~~stored or displayed~~ **offered** for retail sale shall not be kept above or adjacent to food, **equipment, utensils, clean linens,** single-service **articles, or single-use** articles.

318 325.4 Use

A. Poisonous or toxic materials shall not be used in any way that contaminates food, equipment, ~~or~~ utensils, **clean linens, single-service articles, or single-use articles**; nor in any way that constitutes a hazard to employees **food workers** or other persons; nor in any way other than in full compliance with the manufacturer's labeling **and law.**

B. Restricted use pesticides shall be applied only by a certified applicator.

C. Re-use of containers previously used to store poisonous or toxic materials is prohibited, except for the storage of the same product dispensed from bulk supply.

BD. Bait stations shall be tamper-resistant or and covered to prevent spillage and scattering of poisonous material. The use of loose or liquid bait, including packaged "place packs", is prohibited.

CE. Toxic tracking materials shall not be used in food facilities establishments. A nontoxic tracking powder such as talcum or flour may be used in a way that does not contaminate food, equipment, utensils, clean linens, single-service articles, or single-use articles.

~~D~~**F.** Bactericides, cleaning compounds, or other compounds intended for use on food contact surfaces shall not be used in any way that leaves a toxic residue on such surfaces or that constitutes a hazard to employees **food workers** or other persons.

318 325.5 Personal Health Aids and Cosmetics

A. First aid supplies shall be stored in a labeled kit or container and shall not be stored adjacent to or above food; ~~food contact surfaces of equipment and utensils; or single service articles.~~ **equipment, utensils, clean linens, single-service articles, or single-use articles.**

B. Only those medications necessary for the health of employees **food workers** may be present. Medications shall not be stored adjacent to or above food; ~~food contact surfaces of equipment and utensils; or single service articles.~~ **equipment, utensils, clean linens, single-service articles, or single-use articles.** Medication that requires refrigeration shall be double-packaged, properly labeled, and stored on the bottom shelf.

C. Cosmetics and ~~grooming articles~~ **personal care items** shall **bear a legible label and shall** not be stored adjacent to or above food; ~~food contact surfaces of equipment and utensils; or single service articles.~~ **equipment, utensils, clean linens, single-service articles, or single-use articles.**

D. **Packaged** first aid supplies, medicines, and cosmetics that are stored and displayed **offered** for retail sale shall not be stored adjacent to or above food and ~~single service articles.~~ **equipment, utensils, clean linens, single-service articles, or single-use articles.**

WATER, PLUMBING, AND WASTE

SECTION 319 313. WATER SUPPLY

313.1 General

~~Enough~~ **Sufficient** potable water for the needs of the food facility shall be provided from an approved source. **Only potable water shall be used in contact with food or food-contact surfaces.**

A. All potable water not provided by pipe to any permanent food facility from the source shall be delivered in an approved bulk-water transport system and to an approved closed water system.

B. Bottled and packaged potable water shall be obtained from an approved source and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container. This water supply cannot be used as a primary and permanent source.

C. Hot and cold water under pressure shall be provided to all applicable fixtures, and **food and non-food** equipment that use water, **and meet the peak water demands throughout the food facility.**

~~D.~~ Only culinary steam shall be used in contact with food or food-contact surfaces.

D. Drinking water systems shall be flushed and disinfected before being placed into service, after construction, repair or modification, seasonal shut down, or after an emergency situation.

E. Drinking water from non-public water systems shall meet the standards for public drinking water established in 25 Pa. Code Chapter 109 (Safe Drinking Water); maintenance and operation requirements; and shall be sampled as a transient non-community public water system that serves 25 people daily or as directed by the Pennsylvania Department of Environmental Protection (DEP). All analytical work must be performed according to law and the reports must be retained on file at the food facility.

SECTION ~~320~~ 314. SEWAGE AND WASTEWATER

All SEWAGE **and wastewater** shall be disposed of in a public sewer or, in the absence thereof, in accordance with **laws of the Commonwealth of Pennsylvania and the Allegheny County Health Department Article XIV, "Sewage Disposal"** State law.

SECTION ~~321~~ 315. PLUMBING

A. Plumbing, plumbing fixtures and devices, shall be properly maintained and installed according to the Allegheny County Health Department **Article XV, "Plumbing Code"**.

B. Backflow and back siphonage shall be prevented by methods approved by the Allegheny County Health Department Article XV, "Plumbing Code".

C. All food facilities that handle or prepare food must have at least one (1) sink with at least three (3) compartments. Sinks must meet NSF, ANSI, or equivalent standards. Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils intended to be cleaned in a sink.

D. At least one (1) service sink or curbed cleaning facility with a floor drain shall be provided in accordance with Article XV "Plumbing Code" and used for the cleaning of mops, maintenance tools, obtaining mop water, and disposal of mop water or similar liquid wastes.

E. The use of food preparation sinks, handwashing sinks, toilets, or warewashing equipment, for the disposal of such wastes is prohibited.

SECTION ~~322~~ 316. TOILET ROOMS

322 ~~316.1~~ Toilet Rooms Location and Design

A. Toilet rooms shall be convenient and adequate and shall be installed within the facility according to this Article. **Toilet rooms for food workers shall be accessible during all hours of operation and from inside of the building.**

B. Employee toilet rooms shall be accessible at all times.

B ~~D~~. Toilet rooms for patrons cannot be accessed through food preparation, warewashing, or food storage, or utensil storage areas.

316.2 Toilet Rooms

C. To minimize the potential for the spread of disease between the toilet facility and food preparation areas toilet rooms shall be completely enclosed and have tight fitting, self-closing, solid doors, which shall be **kept** closed except during cleaning or maintenance. **The doors of toilet rooms shall not open directly into any room where food, beverages, or utensils are prepared handled or stored, except where alternate means have been taken to protect against such contamination such as double doors or negative air-flow systems.**

322 316.3 2 Toilet Fixtures Room Maintenance

Toilet rooms and fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. ~~Easily cleanable receptacles shall be provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle.~~

A. All toilet rooms shall have at least one easily cleanable covered waste receptacle for refuse materials.

322.3 Toilet Room Fixtures

E. The minimum number of toilet room fixtures shall conform to the Allegheny County Health Department **Article XV, "Plumbing Code"**.

322.4 Toilet Room Number and Type

A. C. Toilet rooms, separate for each sex, shall be required for patrons in FOOD FACILITIES where seating is provided. **The number and type of toilet rooms shall conform to the Allegheny County Health Department Article XV, "Plumbing Code"**. Any food facility which was retained and constructed prior to October 4, 1976 **and maintained in its original intent and configuration** is exempt from this Section subsection.

B. Non-sewered toilet (NST) systems shall conform to the Allegheny County Health Department Article XIV, "Sewage Disposal".

SECTION 323 317. HANDWASHING SINKS

317.1 Handwash Sink Installation

A. Handwashing sinks in toilet rooms shall be installed properly and at least the number required by **according to** the Allegheny County Health Department **Article XV, "Plumbing Code"**.

B. Sufficient handwashing sinks as determined by the Director **Department** shall be convenient to the food preparation, **food dispensing, warewashing areas**, and available for use by all employees **food workers**.

C. Handwashing sinks located in or near each food preparation, processing, and utensil washing area, and in or adjacent to all toilet rooms, shall be accessible at all times.

D. Handwashing sinks shall not be used for food preparation or washing of equipment and utensils.

E. Handwashing sinks shall be provided with hot and cold running water provided through ~~with a mixing valve~~ an approved water-temperature limiting device or combination faucet. Steam mixing valves are prohibited. The hot water shall be provided at a temperature of at least 100°F. Handwashing sinks in public areas or accessible to children in child day care centers may not exceed 110°F.

F. Any self-closing or metering faucet shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. ~~Steam mixing valves are prohibited.~~

G. A supply of hand cleaning soap or detergent shall be conveniently located near each handwashing sink. A supply of ~~sanitary~~ individual, disposable towels or a hand drying device providing heated air, shall be conveniently located near each handwashing sink. Common towels are prohibited. If disposable towels are used, nonabsorbent easily cleanable waste receptacles shall be conveniently located near the handwashing sinks.

H. Handwashing sinks, soap dispensers, hand drying devices and all related fixtures shall be kept clean and in good repair.

I. Sufficient notices shall be conspicuously posted above or near handwashing sinks directing all employees food workers to thoroughly wash ~~and clean~~ their hands.

J. Hand antiseptics may be used to supplement proper handwashing and do not replace proper handwashing required by food workers.

K. A minimum of one (1) handwashing station or hand antiseptic station must be provided where NSTs are used. Handwashing stations or hand antiseptic stations must be provided at a ratio of one (1) handwashing station or hand antiseptics stations to every five (5) NSTs for use by the public.

SECTION 324 318. GARBAGE AND REFUSE, RETURNABLE ITEMS AND RECYCLABLES

324 318.1 Containers General

Garbage and refuse shall be stored, handled, and disposed of in a manner that protects food and food-contact surfaces from contamination, and does not create a condition conducive to pests, a nuisance, or violate any other section of this Article.

~~A. Garbage and refuse shall be held in durable, easily cleanable, insect-resistant, and rodent-resistant containers that do not leak and do not absorb liquids. Plastic bags may be used to line these containers.~~

324.2 Receptacles

A. B. Receptacles shall be durable, easily cleanable, insect-resistant, and rodent-resistant containers that do not leak or absorb liquids.

Receptacles shall be provided with tight-fitting lids, doors, or covers
Containers used in food preparation and utensil washing areas **which** shall be kept covered **closed when not in continuous use**, during nonworking hours, and after they are filled.

~~C. Containers stored outside the establishment, including dumpsters, compactors, and compactor systems, shall be easily cleanable, leakproof, shall be provided with tight fitting lids, doors, or covers, and shall be kept covered when not in actual use. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning.~~

~~B. D.~~ There shall be a sufficient number of **receptacles** containers to hold all the garbage and refuse that accumulates between **scheduled** garbage pick up times **removal**.

~~C. E.~~ Soiled containers **receptacles** shall be cleaned at a frequency to prevent insect and rodent attraction and minimize odors. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities, detergent, and hot water or steam, shall be provided and used for cleaning containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage. **Receptacles designed with drains shall always have the drain plugs in place, except during cleaning.**

324 318.2 Storage Areas

~~A. Garbage and REFUSE on the premises shall be stored in a manner to make them inaccessible to insects and rodents. Outside storage of non-rodent-resistant plastic containers, unprotected plastic bags, or baled units which contain garbage or refuse is prohibited. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers. **Storage areas shall be of sufficient size to store all garbage and refuse and maintained clean.**~~

~~B. Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, **and** washable materials, shall be kept clean, shall be insect and rodent resistant, and shall be large enough to store all the garbage and refuse.~~

~~C. Outside storage areas or enclosures shall **have** be kept clean and shall be large enough to store all the garbage and refuse containers necessitated by disposal pick up frequency. Garbage and refuse containers, dumpsters, and compactor systems located outside, shall be stored on or above a smooth **ground** surface of nonabsorbent material, such as concrete or machine-laid asphalt, that is kept clean, maintained in good repair.~~

MANAGEMENT AND PERSONNEL

SECTION 325 336. CERTIFICATION OF CERTIFIED FOOD PROTECTION MANAGERS

336.1 General

A. No person shall operate a **All** food **facilities** facility where potentially hazardous **TCS** FOOD is prepared, stored, or displayed **handled** in Allegheny County who does not employ full time Food Protection Manager(s) **shall have**

at least 1 (one) Certified Food Protection Manager (CFPM) present and serving as the Person in Charge at all times when TCS food is being prepared or handled. ~~certified or approved by the Department. At no time shall the food facility be operating without a Certified Food protection Manager who has a valid certificate issued by the Department unless otherwise approved by the Department or as indicated under Section 336.1. Certified Food Protection Managers shall be in compliance with Section 336.2 and 336.3 of this Article.~~

B. When there is more than one building or location involved, each location where food preparation occurs shall have a **Certified Food Protection Manager CFPM on site** while operating.

C. ~~The certification granted to a person by the Department shall be made available upon request. The certificate is not transferable between persons and shall not be duplicated by anyone other than the Department.~~

C. The Department shall recognize certification programs including examinations developed under those programs that are evaluated and listed by an accrediting agency that has been recognized by the Conference for Food Protection as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Program.

336.2 Issuance of a Certification for Food Protection Managers

A. ~~Any person desiring a certificate as a Food Protection Manager in Allegheny County shall make written application on forms provided by the Department. Each application for certification must be accompanied by a filing fee.~~

B. ~~Prior to approval of a certificate and issuance of said certificate by the Department, the person shall:~~

- ~~1. Have successfully completed a course in food protection offered by, or acceptable to the Department and show written proof to that effect; or~~
- ~~2. Have passed a proficiency test offered by an agency approved by the Department and show written proof to that effect; or~~
- ~~3. Have obtained a certificate for Food Protection Managers issued by another regulatory agency whose requirements are equal to or more stringent than the Department's and show written proof to that effect.~~

C. ~~Persons who qualify under Section 336.2 are required to reapply for certification every 5 years and must meet the training and educational requirements of the Department for recertification.~~

336.3 Suspension and Revocation of Certificates

A. ~~Whenever the Department determines that the holder of a certificate as a Food Protection Manager is responsible for violation of any critical provisions of these regulations, the Department may suspend or revoke his/her certificate.~~

B. ~~The Department shall serve notice of such suspension or revocation by regular mail or personal service.~~

~~C. The Certificate holder shall be afforded a hearing as provided in Article XI, "Hearings and Appeals".~~

~~D. A Certificate holder whose certificate has been suspended shall be recertified and meet the requirements of this Department prior to assuming duties as a Certified Food Protection Manager.~~

~~336.42 Responsibilities of Certified Food Protection Managers~~

~~The Certified Food Protection Manager shall:~~

- ~~1. Supervise and instruct food workers in the techniques of sanitary food handling, proper maintenance of the facility, and of the requirements of this Article.~~
- ~~2. Report to the Department, if the permit holder is unavailable, occurrence of a fire, flood, power outage of two or more hours, foodborne or waterborne illness outbreak of two or more people, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures.~~
- ~~3. Notify the Department in writing within five (5) working days after change of food facility employment.~~
- ~~3. 4. Renew certification by completing the required course work and procedure prior to the expiration date listed on the certificate.~~

~~336.5 Responsibilities of the Permit holder regarding a Certified Food Manager (CFPM)~~

~~A. All food facilities where food preparation is conducted, which are permitted and in operation at the time of the effective date of this Article, shall employ the number of Certified Food Protection Managers as required by ~~§~~336.1(A).~~

~~B. A new permit holder shall employ Certified Food Protection Manager(s) within 90 days of the initial permit issuance date by the Allegheny County Health Department.~~

~~C. When the Certified Food Protection Manager leaves or quits employment or is no longer acting as a Certified Food Protection Manager at the food facility, the permit holder shall employ a replacement Certified Food Protection Manager within 30 days of the employment termination date. The permit holder shall notify the Department in writing within 5 working days that the facility lacks a Certified Food Protection Manager.~~

Section 326. RESPONSIBILITIES AND SUPERVISION

326.1 General

The food facility operator shall develop and maintain written records and policies required by this Article and the MFC, to include, but not limited to:

1. Clean-up of vomiting and diarrheal events,

2. Time as Public Health Control in accordance with § 333.2,

3. Non-continuous cooking of raw animal-derived foods in accordance with § 333.3(D),

4. HACCP Plans in accordance with § 336 (if required),

5. Grease interceptor cleaning and service schedule, and

6. Major food allergen control plans.

326.2 Designation of Person in Charge

The food facility operator shall be the Person in Charge or shall designate a Person in Charge. A Person in Charge shall be present at the food facility during all hours of operation for Class II, Class III, and Class IV facilities.

326.3 Responsibilities of the Permit Holder regarding a Certified Food Protection Manager

A. All food facilities where TCS food is prepared or handled shall employ the number of CFPMs as required by § 325 of this article.

B. A new permit holder shall employ CFPM(s) within 90 days of the initial food permit issuance by the Allegheny County Health Department.

C. When the CFPM is no longer employed or is no longer acting as a CFPM at the food facility and the facility lacks at least 1 (one) CFPM, the permit holder shall employ a replacement CFPM within 30 days of the employment termination date. The permit holder shall notify the Department in writing within 5 working days that the facility lacks a Certified Food Protection Manager.

D. All food facilities shall maintain records of the names and certificate numbers of its CFPM(s) and make them available for inspection by the Department.

326.4 Duties of Person in Charge

The Person in Charge shall comply with the requirements of this Article by:

- 1. Having no high-risk violations during the current inspection; and upon request**
- 2. Demonstrating to the Department knowledge of food safety practices, foodborne disease prevention, and application of the HACCP principles;**
- 3. Being a CFPM as specified in § 325;**
- 4. Ensuring that food workers are properly trained and employing good personal hygiene;**
- 5. Being aware of the responsibility to report illness and exclude or restrict food workers accordingly, as specified in § 328;**

6. **Being aware of food allergens as it relates to their duties and training staff in proper processes and procedures; and**
7. **Reporting to the Department if the permit holder is unavailable or an emergency occurrence as stated in § 326.7.**

326.5 Responsibilities of Certified Food Protection Managers

The CFPM shall maintain certification by demonstrating food safety knowledge by successfully completing the certification exam prior to the expiration date listed on the certificate.

326.6 Access

After the Department representative presents identification, the Person in Charge shall allow the Department to determine if the food facility is in compliance with this Article to which the Department is entitled under Act 315 by:

A. Allowing access to the facility;

B. Allowing inspection during hours of operation and other reasonable times during which the facility is not open; and

C. Providing information and records relating to facility operations.

326.7 302.2 Emergency Occurrences

In the event of a fire, flood, **sewage back-up**, power outage of two **(2)** or more hours, **lack of potable water**, alleged foodborne or waterborne illness outbreak of two (2) or more people, **a food worker with reportable symptoms or diagnoses specified in § 328**, or similar event that might result in the contamination of food, the permit holder or the Person in Charge shall immediately contact the Department. Upon receiving notice of this **such an** occurrence, the Department shall take **appropriate actions to** whatever action deemed necessary to protect the public health, **which include, but are not limited to, suspension and revocation of the food permit.**

SECTION 327 307. PERSONAL CLEANLINESS AND EMPLOYEE FOOD WORKER PRACTICES

327.1 307.1 General Handwashing & and Glove Use

307.7 Approved Handwash Sinks

A. Food workers shall only wash their hands in designated handwashing sinks. Handwashing is not permitted in sinks used for food preparation, or for washing equipment or utensils.

B. A. All food workers engaged in food preparation, and warewashing operations and service, shall thoroughly wash their hands and the exposed portions of their arms **or surrogate prosthetic devices**, with soap or detergent **a cleaning compound** and warm **running** water **for at least 20 seconds** before starting work; **donning gloves**; after tobacco use; handling garbage or soiled TABLEWARE or kitchenware; coughing, sneezing, touching the mouth, nose, or hair **or any body part, except clean hands**; eating;

using the toilet; **touching or caring for service animals or aquatic animals**; before and after handling raw meat, raw poultry or raw seafood, or any other potentially hazardous food **TCS food**; and as often as is necessary during work to keep them clean.

C. Hands shall be thoroughly dried after washing utilizing single-use or disposable towels, a mechanical heated hand drying device, or a device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.

D. The use of clean disposable gloves and or hand antiseptics sanitizers shall not be a substitute for hand washing. Hand antiseptics shall only be used in accordance with § 2-301.16 of the MFC and only applied to hands that are cleaned as specified in § 327.1(B).

E. Single-use disposable gloves shall be changed as often as necessary in accordance with the requirements listed above for hand washing, and used for only one task such as working with ready-to-eat food or with raw animal derived food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.

327.2 307.2 Tobacco, E-Cigarette Electronic Cigarette Device Use, and Employee Food Worker Dining

A. Employees Food workers shall not use tobacco or e-cigarettes electronic cigarette devices in any form while engaged in food preparation or service, while in areas used for food preparation or equipment and utensil washing areas.

B. Food worker dining shall be confined to designated areas, which will not result in contamination of food; clean equipment, utensils, unwrapped single-service and single-use articles; or other items needing protection.

307.3 Designated Dining Area

~~Employees shall consume food only in designated dining areas, which will not result in contamination of other food; equipment, utensils or other items needing protection. beverages may be consumed in food preparation areas as long as hand to mouth contact is minimized and contamination of food and food contact surfaces is prevented.~~

327 307.3 Handling Tableware

~~Employees Food workers shall handle soiled tableware in a way that minimizes contamination of their hands and of clean tableware.~~

327 307.4 Clothing

The outer clothing of all employees food workers shall be clean. Aprons or other protective outer clothing used by food workers shall be removed prior to entering the toilet room.

327. 307.5 Hair Restraints

EMPLOYEES Food workers shall use effectively use hair restraints such as, but not limited to, hairnets, beard nets, headbands, and hats when necessary to prevent the contamination of FOOD, clean equipment,

utensils, unwrapped single-service and single-use articles, or food-contact surfaces, **and clean linens.**

327.6 Fingernails

Food workers shall keep their fingernails trimmed and maintained, and not wear fingernail polish or artificial fingernails when working with exposed food, unless wearing intact gloves in good repair.

327.7 Jewelry

Except for a plain ring such as a wedding band, while preparing food, food workers may not wear jewelry including medical information jewelry on their arms and hands.

327.8 Tasting

Food workers shall only taste FOOD intended for the consumer using a clean utensil. A Food worker may not use a utensil more than once to taste food that is to be sold or served.

SECTION 328 333. INFECTED FOOD WORKER EMPLOYEE

328.1 333.1 General

A person infected with a disease **or specific conditions to include, but not limited to, those listed below,** such as Salmonella Typhi, Shigella spp., Escherichia coli 0157:H7, Campylobacter, Giardia, Yersinia, or Hepatitis A virus that can be transmitted by Foods or on food-contact surfaces shall be restricted or excluded from working in a food facility **as directed by the Department.** Persons afflicted with a boil, an infected wound, diarrhea, vomiting or an acute respiratory infection, shall not work in a food facility.

328.2 Food Worker Exclusion

A. Food facilities shall exclude food workers from the food facility with any of the following diagnoses or symptoms:

- 1. Salmonella (nontyphoidal) and symptomatic with vomiting or diarrhea;**
- 2. Typhoid fever within the past 3 months;**
- 3. Shigella spp. and symptomatic with vomiting or diarrhea;**
- 4. Shiga-toxin producing Escherichia coli (STEC) and symptomatic with vomiting or diarrhea;**
- 5. Hepatitis A virus;**
- 6. Jaundice with onset within seven (7) calendar days, unless the food worker provides to the Person in Charge written medical documentation from a health practitioner specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection; or**
- 7. Vomiting or diarrhea from an infectious condition.**

B. Food facilities that serve a Highly Susceptible Population shall also exclude food workers from the food facility for any of the following diagnoses or symptoms:

- 1. Norovirus;**
- 2. Shigella;**
- 3. Shiga-toxin producing E. coli.;**
- 4. A sore throat with fever;**
- 5. Acute onset of sore throat with fever; or**
- 6. Jaundiced regardless of onset.**

328.3 Food Worker Restriction

A. Food facilities shall restrict food workers from handling food or contacting clean food contact surfaces in the food facility with any of the following diagnoses or symptoms:

- 1. A skin lesion containing pus, boil, or infected wound that is open or draining and not properly covered;**
- 2. Jaundice with onset more than seven (7) days, unless the food worker provides to the Person in Charge written medical documentation from a health practitioner specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection;**
- 3. A sore throat with fever;**
- 4. Shigella spp. infection;**
- 5. Shiga-toxin producing Escherichia coli (STEC);**
- 6. Nontyphoidal Salmonella; or**
- 7. Amebiasis, until two consecutive negative stool samples are obtained.**

B. Food facilities that serve a Highly Susceptible Population shall also restrict food workers for any of the following diagnosis or symptoms:

- 1. Nontyphoidal Salmonella; or**
- 2. Exposed to a foodborne pathogen.**

C. Food facilities may allow previously excluded food workers that meet the conditions below to return to the food facility for restricted duties only. Such food workers shall be restricted from handling food or contacting clean food contact surfaces in the food facility:

1. Asymptomatic for greater than 24 hours from symptoms of Shigella, or Shiga-toxin producing E. coli.;

2. Asymptomatic for at least 30 days after being symptomatic from non-Typhoidal Salmonella;

3. Asymptomatic for at least 24 hours after being symptomatic from Norovirus;

328.4 333.2 Procedure When Infection is Suspected

A. If the permit holder or Person in Charge of the facility has reason to believe that any employee **food worker** has contracted any **a communicable** disease in a communicable transmissible through food, or has become a carrier of such disease, the Director **Department** shall be notified immediately. **The food worker shall be immediately excluded from the food facility or have their food handling duties restricted as stated in sections 328.2 and 328.3 above.**

B. When the Director **Department** has reason to believe that there is the possibility of transmission of infection from any food facility employee **food worker**, the Director **or their designee** is authorized to require any or all of the following measures:

1. The immediate exclusion of the employee **food worker** from **working** employment in the food facility;
2. **The immediate** Restriction of the employee **food worker** from working with exposed food; cleaning equipment, utensils, and linens, and unwrapped single-service and single-use articles;
3. The immediate closing of the food facility concerned until no further danger of disease outbreak exists;
4. Adequate medical examinations of the employee **food worker** and of his/her **their** associates with such laboratory examinations as may be indicated.

C. The permit holder or Person in Charge and the food worker shall comply with disease control measures to include, but not limited to, exclusions and restrictions ordered by the Department.

D. A permit holder or the Person in Charge shall only remove or adjust exclusions or restrictions when notified by the Department that they may do so and in accordance with § 2-201.13 of the MFC.

328.5 Public Health Protection

The Department, upon the receipt of a report of a disease which is subject to isolation, quarantine, or any other control measure, shall carry out an investigation and the appropriate control measures in such manner and in such place as is provided by rule, regulation, or law.

FOOD SOURCES

SECTION 329 301. FOOD SUPPLIES

329 301.1 General

All food and beverages shall be **obtained from an approved source and honestly presented;** in sound condition; at required temperatures, and under refrigeration if applicable; free from spoilage, filth, adulterants, **un-approved additives, temperature abuse,** or other contamination; and shall be safe for human consumption. All processed foods shall be obtained from food processors that are inspected and licensed or **permitted** by a regulatory authority.

329 301.2 Special Requirements

A. ~~The use of food in hermetically sealed containers that was not prepared in a food processing establishment is prohibited.~~

A. Fluid **and dry** milk and fluid milk products, **including frozen, and cheeses,** used, or served, or offered for sale shall be pasteurized and shall meet the Grade A quality standards as established by law **the PA Milk Sanitation Law (31 P.S. § 645-660g).** ~~Dry milk and dry milk products shall be made from pasteurized milk and milk products. Milk shall not be sold past the sell-by-date noted on the container~~ **and shall be received at 45°F or less.**

B. Molluscan shellfish and fish shall be from an approved source according to law and the requirements specified in the U.S. Department of Health and Human Services, Public Health Service, FDA, National Shellfish Sanitation Program Guide for the Control of molluscan shellfish. Recreationally caught fish and shellfish shall not be offered for consumption. Molluscan shellfish shall be protected from contamination at all times and not commingled with shellfish stock with different tags or labels.

1. Shellstock shall be reasonably free from mud, dead shellfish, and shellfish with broken shells. Dead molluscan shellfish or shellstock with badly broken shells shall be discarded.

2. Shellstock shall be obtained in containers bearing legible source identification tags or labels that are attached by the harvester and each dealer.

(a) The harvester's tag or label shall contain information in the following order:

- 1) The harvester's identification number;**
- 2) The date of harvesting;**
- 3) The most precise identification of the harvest location, or aquaculture site, that includes the abbreviation of the name of the state or country in which harvested;**
- 4) The type and quantity of molluscan shellfish; and**
- 5) The following statement in bold, capitalized type:**

**THIS TAG IS REQUIRED TO BE ATTACHED UNTIL
CONTAINER IS EMPTY OR RETAGGED AND
THEREAFTER KEPT ON FILE FOR 90 DAYS**

(b) The dealer's tag or label shall contain the following information in the following order:

1) The dealer's name and address, and the certification number including the abbreviation of the name of the state or country in which the molluscan shellfish are harvested;

2) The same information as specified for a harvester's tag; and

3) The following statement in bold, capitalized type:

**THIS TAG IS REQUIRED TO BE ATTACHED UNTIL
CONTAINER IS EMPTY OR RETAGGED AND
THEREAFTER KEPT ON FILE FOR 90 DAYS**

3. Raw shucked molluscan shellfish shall be obtained in nonreturnable packages which bear a legible label that identifies:

(a) The name, address, and certification number of the dealer, shucker, packer, re-packer; and

(b) The "sell-by" or "best if used by" date, or the date shucked, based upon size.

Fresh and frozen shucked shellfish and shell stock (oysters, clams or mussels) shall be received and/or repacked in non-returnable packages identified with the name and address of the original shell stock processor, shucker packer, or repacker, and the State certification number issued according to law.

4. Shellstock and shucked molluscan shellfish shall be kept in the container in which they were received until used, or repacked or sold.

Shellstock and shucked molluscan shellfish may be removed from the original container for display purposes for servings upon a consumer's request if the labeling information is retained and, in the case of shucked shellfish, correlated to the date when the shellfish are sold or served. Each original container of shellstock, and fresh and frozen shucked shellfish, shall be identified by an attached tag, stating the name and address of the original shell fish processor, the kind and quantity of shellfish, and the certification number issued by the State or foreign shellfish control agency where applicable. Each tag **and/or accurate corresponding** record shall be kept for 90 days and be made available for inspection by the DEPARTMENT.

5. Molluscan shellfish and shellstock which do not bear a label or a label with the required information shall be subject to embargo or condemnation.

6. The repacking of shucked molluscan shellfish, breaking down of shellstock lots or shucking-repacking of shellfish shall be conducted in accordance with appropriate state and federal laws. The required records shall be kept for examination by the Department for 90 days.

C. D. Only clean, whole eggs with shell intact and without cracks or checks; or pasteurized liquid, frozen, or dry eggs, or pasteurized dry egg products, shall be used, except that hard-boiled, peeled eggs, commercially prepared and packaged, may be used or offered for sale. Shell eggs shall be transported and

received in containers or vehicles with an ambient air temperature of $4 \pm 45^{\circ}\text{F}$ or below, **and shall not be re-packaged. Eggs at a food processor, retail food store, distributor or other food facility shall be maintained at an internal temperature not to exceed 45°F until use, preparation or purchase by a consumer in accordance with the PA Egg Refrigeration Law (31 P. S. §§ 300.1–300.9).**

D.E. Only ice that has been manufactured from an approved source of potable water and packaged and handled in a sanitary manner shall be used or offered for sale.

E. Pre-packaged juice, and beverages containing juice, shall be obtained pasteurized and from a processor with an HACCP system in place. Juice, and beverages containing juice, that are prepared and packaged on the premises must bear a warning label if not pasteurized, or otherwise treated, to attain a 5-log reduction of the most resistant microorganisms. The product must be labeled as specified in 21 CFR 101.17(G) with the following: "WARNING: This product has not been pasteurized and therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems."

F. Fish offered in raw or undercooked form as a ready-to-eat food shall meet the requirements for parasite destruction as specified in § 3-402.11 of the MFC. Records and proof shall be retained by the facility for at least 90 days after the sale of such items and be made available for inspection by the Department.

G. Food that is labeled frozen shall be received frozen and free from evidence of temperature abuse.

SECTION 330. FOOD PREPARED IN A PRIVATE HOME

Food prepared in home-style kitchen, residential-style kitchen, or a personal-use kitchen, regardless whether the location is on or off the actual residential property, shall not be sold for public consumption, unless the operation is approved by, and registered as a Limited Food Establishment with, the Pennsylvania Department of Agriculture (PDA) under the Pennsylvania Food Safety Act (3 Pa.C.S.A. §§ 5721 – 5737) for residential food service operations.

FOOD CONDITION

SECTION 331 302. FOOD PROTECTION

302.1 General

A. At all times, including while being stored, prepared, displayed, served, dispensed, packaged, or transported, food shall be protected from cross-contamination between foods and from potential contamination by insects, insecticides, rodents, rodenticides, **chemicals**, unclean equipment and utensils, unnecessary handling, flooding, draining, and overhead leakage or condensation, **sewage**, or other agents of public health significance. The temperature of ~~potentially hazardous food~~ **TCS food** shall be maintained at

41°F or below, or 135°F or above, at all times, except as otherwise provided in this Article.

B. The traffic of unnecessary persons through the food preparation, food storage, and warewashing areas is prohibited.

SECTION 332 303. FOOD STORAGE

332 303.1 General

Food, whether raw, cooked or prepared, if removed from the package or container in which it was obtained, shall be stored in a clean covered container except during necessary periods of preparation or service. ~~Rapidly cooling~~ Foods **in the process of cooling** and whole, unprocessed raw fruits and vegetables may be stored uncovered, **provided they are adequately protected from contamination.** Container covers shall be impervious and non-absorbent, except that **clean** linens or napkins may be used for lining or covering bread or roll containers. Quarters or sides of meat may be hung uncovered on clean sanitized hooks if no food product is stored beneath the meat.

332 303.2 Containers and Location

Containers of food shall be stored a minimum of 6 inches above the floor, in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area, except that:

A. Metal pressurized beverage containers, and cases of food packaged in cans, glass or other impervious containers need not be elevated when the food container or cases are not exposed to floor moisture; and the storage area is kept clean and free of moisture.

B. Containers may be stored on dollies, racks or pallets, provided such equipment is **can be** easily moved **ed** able by hand or with the use of readily available pallet-moving equipment. Equipment, pallets, and storage areas must be kept clean.

C. Food and containers of food shall not be stored under exposed or unprotected sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law. The storage of food in toilet rooms and their vestibules, garbage rooms, **locker rooms** or mechanical rooms is prohibited.

D. Food not subject to further washing or cooking before serving shall be stored in a way that protects it against cross-contamination from food requiring washing or cooking. Raw **animal-derived** ~~potentially hazardous food~~ **TCS food** must be stored below ready-to-eat foods. Raw foods which require higher cooking temperatures shall be stored below or separate from foods requiring lower cooking temperatures. **Frozen, commercially processed and packaged raw animal derived food may be stored or displayed with or above frozen, commercially processed and packaged, ready-to-eat food provided it remains in a frozen state before and during placement.**

E. Packaged food shall not be stored in contact with water or undrained ice. Loosely wrapped ready-to-eat food shall not be stored in direct contact with ice.

F. Bulk food ~~such as~~ **including, but not limited to** cooking oil, syrup, salt, sugar, or flour not stored in the **original** product container or package in which it was obtained, shall be stored in a container identifying the food by its common English name.

332 303.3 Refrigerated and Frozen Storage

A. Enough **Satisfactory number of** conveniently located refrigeration units or effectively insulated units shall be provided to assure the maintenance and cooling of ~~potentially hazardous food~~ **TCS food** at required temperatures. Each refrigerated unit storing ~~potentially hazardous food~~ **TCS food** shall be provided with a numerically scaled indicating or recording thermometer, accurate to $\pm 2^{\circ}\text{F}$ **$\pm 1.5^{\circ}\text{C}$, if scaled in Celsius or dually scaled in Celsius and Fahrenheit, or $\pm 3^{\circ}\text{F}$, if scaled in Fahrenheit only, and** located to measure the air temperature in the warmest part of the unit and located to be easily readable. **Where it is impractical to install thermometers in equipment such as insulated food transport carriers or ice chest, a clean product thermometer must be available and used to check internal food temperature.**

B. **The internal temperature of** ~~Potentially hazardous food~~ **TCS food** requiring refrigeration shall be held at or below 41°F .

C. ~~Potentially hazardous food~~ **TCS food in a homogenous liquid form may be held outside of the temperature control requirements while contained within specially designed equipment that maintains the safety of aseptically packaged fluid foods and complies with the design and construction requirements of the NSF/ANSI Standard 18, "Manual Food and Beverage Dispensing Equipment".**

C. ~~D. Stored~~ frozen food shall be stored at a temperature of 0°F , or at a temperature below 32°F that assures the product remains **maintained** frozen.

E. Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers, or food utensils, except that such ice may be used for cooling **cold plates that are constructed within an ice storage bin.** ~~tubes conveying beverages or beverage ingredients to a dispenser head. Ice used for cooling stored food and food containers shall not be used for human consumption.~~

332 303.4 Hot Storage

A. Enough **Satisfactory number of** conveniently located hot food storage units shall be provided to assure the maintenance of ~~potentially hazardous food~~ **TCS food** at the required temperature during storage. Each hot food unit storing ~~potentially hazardous food~~ **TCS food** shall be provided with a numerically scaled indicating or recording thermometer, accurate to $\pm 2^{\circ}\text{F}$ **1.5°C , if scaled in Celsius or dually scaled in Celsius and Fahrenheit, or $\pm 3^{\circ}\text{F}$, if scaled in Fahrenheit only, and** located to measure the air **or water** temperature in the coolest part of the unit and located to be easily readable. Where it is impractical to install thermometers on equipment such as bains-marie, steam tables, steam kettles, heat lamps, or insulated food

transport carriers, a clean product thermometer must be available and used to check internal food temperature.

B. The internal temperature of ~~potentially hazardous food~~ **TCS food** requiring hot storage shall be ~~±40~~ **135°F** or greater, **except roasts meeting cooking criteria may be held at 130°F or above.**

332.5 Date Marking of Food

Ready-to-eat TCS food prepared and held refrigerated for more than 24 hours in a retail food facility shall be clearly marked at the time of preparation to indicate the date by which the food shall be consumed on the premises, sold or discarded, which is, including the day of preparation, seven (7) days or less from the day the food is prepared, if the food is maintained at 41°F or less. The day of preparation shall be counted as "Day 1."

SECTION ~~333~~ 304. FOOD PREPARATION

~~333~~ 304.1 General

A. Food shall be prepared with minimal hand contact, with suitable utensils, and on surfaces that ~~prior to use~~ have been cleaned, rinsed and sanitized to prevent cross-contamination **prior to use.**

B. Food **workers**-employees shall not contact exposed, ready-to-eat food with their bare hands, and shall use suitable utensils, such as deli tissue, spatulas, tongs, single-use gloves or dispensing equipment.

C. Each time there is a change in processing between raw meats, poultry, and seafood, or between raw and ready-to-eat foods, each new operation shall begin with food-contact surfaces and utensils which have been cleaned, rinsed, and sanitized.

D. ~~Potentially hazardous food that is in a form to be consumed without further cooking such as salads, sandwich spreads, and filled pastry products shall be prepared from chilled ingredients.~~

E. ~~Ready to eat, potentially hazardous food prepared and held refrigerated for more than 24 hours in a food facility shall be clearly marked at the time of preparation to indicate the date by which the food shall be consumed which is, including the day of preparation:~~

- ~~1. Seven (7) calendar days or less from the day the food is prepared, if the food is maintained at 41°F or less; or~~
- ~~2. Four (4) calendar days or less from the day the food is prepared, if the food is maintained at 45°F or less.~~

~~333~~ 304.2 Raw Fruits and Raw Vegetables

A. Raw fruits and vegetables shall be thoroughly washed with potable water before being cooked, cut, or served, **or offered for human consumption in ready-to-eat form.**

- 1. Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315.**

2. Ozone as an antimicrobial agent used in the treatment, storage, and processing of fruits and vegetables shall meet the requirements specified in 21 CFR 173.368.

B. Raw fruits and raw vegetables considered TCS food according to the FDA must be temperature controlled and held at 41°F or below. Such foods include, but are not limited to: cut melons, cut tomatoes, and cut leafy greens, and raw seed sprouts. ~~once cut, shall be considered potentially hazardous and therefore held at 41°F or below. Melons, if not under temperature control, shall not be stored at room temperature for any longer than 4 hours. Labels containing the time at which the melons are initially displayed at room temperature must be affixed to the package.~~

C. Sulfiting agents may not be applied to fresh fruits and vegetables intended for raw consumption, except for grapes if treated with sulfiting agents before receipt by the food facility.

333 304.3 Cooking Potentially Hazardous Food Time and Temperature Controlled for Safety Food

A. Potentially hazardous food **TCS food** requiring cooking shall be cooked to heat all parts of the FOOD to a temperature of 145°F or above for 15 seconds, except that:

1. Poultry; stuffed products such as POULTRY, meats, fish, or pastas; and stuffings containing poultry, meat, or fish; **baluts, and wild game animals** shall be cooked to heat all parts of the FOOD to 165°F or above for ~~15~~ **< 1** seconds (**instantaneous**).

2. Ground beef products, **mechanically tenderized, and injected meats;** and other comminuted **meat and fish, such as gyros, sausage, and gefilte fish;** ~~meat, or fish;~~ **comminuted commercially raised and inspected game; ratites; or eggs, unless cooked for one consumer's serving at a single meal and served immediately,** such as gyros, sausage, and gefilte fish shall be cooked to heat all parts of the food to 155°F ~~or above~~ for ~~15~~ **17** seconds, **or in accordance to the cooking times and temperatures in table 333.3(A)2.**

3. **Whole** beef roasts, and pork roasts, **and lamb roasts** shall be cooked to an internal temperature of 145°F for ~~3~~ **4** minutes or to 130°F for 112 minutes. Alternative cooking times and temperatures may be approved by the Director **Department**. Beef steak shall be cooked on both the top and bottom to a surface temperature of 145°F or above, and a cooked **to achieve a** color change ~~is achieved~~ on all external surfaces, **provided it is whole muscle, intact, and not offered to a highly susceptible population.**

4. If a food, such as beef, eggs, fish, lamb, milk, pork, poultry or shellfish, that is raw or undercooked is offered ready to eat, the permit holder shall inform consumers by disclosure and reminder:

Disclosure is satisfied when:

- (a) Items are described, such as:
 - (1) Oysters on the half shell (raw oysters),

- (2) Raw egg Caesar salad, and
- (3) Hamburgers (can be cooked to order); or
- (b) Items are asterisked to a footnote that states that the items:
 - (1) Are served raw or undercooked, or
 - (2) Contains (or may contain) raw or undercooked ingredients.

Reminder is satisfied when the items requiring Disclosure are asterisked to a footnote that states:

- (a) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness; or
- (b) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions; or
- (c) Regarding the safety of these items, written information is available upon request.

B. Raw animal products cooked in a microwave oven shall be rotated during cooking to compensate for uneven heat distribution, covered to retain surface moisture, heated to a temperature of at least 165°F in all parts of the food, and allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

C. **Raw** fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of at least 135°F.

D. Raw animal derived foods that are cooked using a non-continuous cooking process that does not initially reach the required final cooking time and temperature combination shall be:

1. Subject to an initial heating process that is not more than 60 minutes in duration,

2. Immediately after initial heating, cooled safely in accordance with § 333.5 of this Article and then stored cold or frozen in accordance with § 332.3(B) of this Article, and

3. Prior to service to the consumer, cooked in accordance with paragraphs 333.3(A)-(B) of this Article, and prepared and stored according to written procedures that have been reviewed and pre-approved by the Department.

333 304.4 Raw or Undercooked Animal Derived Food

A. If animal derived food, such as beef, eggs, fish, lamb, milk, pork, poultry or shellfish, that is raw or undercooked is offered ready-to-eat or upon consumer request, the permit holder shall: inform consumers by written disclosure and reminder:

1. Written disclosure is satisfied when:

- (a) **Items are described, such as:**
 - (1) Oysters on the half-shell (raw oysters),**
 - (2) Raw-egg Caesar salad, and**
 - (3) Hamburgers (can be cooked to order); or**

(b) Items are asterisked to a footnote that states that the items:

(1) Are served raw or undercooked, or

(2) Contains (or may contain) raw or undercooked ingredients.

2. Written reminder is satisfied when the items requiring Disclosure are asterisked to a footnote that states:

(a) "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness"; or

(b) "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions"; or

(c) "Information regarding the safety of these items, written information is available upon request".

B. Food facilities that serve a highly susceptible population, as defined in this Article, shall not serve raw or undercooked animal derived food.

C. Food facilities shall not offer raw or undercooked comminuted meat for selection from a children's menu.

333 304.45 Cooling Potentially Hazardous Food Time and Temperature Controlled for Safety Food

A. Potentially hazardous **Cooked TCS food** requiring refrigeration after preparation shall be **monitored and** rapidly cooled; ~~to an internal temperature of 41°F, or below. Potentially hazardous food shall be rapidly cooled, utilizing such methods as:~~

1. Within 2 hours from 135°F to 70°F; and

2. Within a total of 6 hours from 135°F to 41°F, for a total cooling time not to exceed (6) six hours.

~~1. Placing of foods in shallow metal pans under refrigeration and limiting the depth of foods to (4) inches or less dependent upon thickness/density of the foods;~~

~~2. An ice bath where the bath is at least to the level of the food in the container and the food is frequently stirred;~~

~~3. Slicing large cuts of meat/roasts or cutting them into pieces no larger than four (4) pounds and placing under refrigeration;~~

~~4. Other approved means such as blast chillers or adding ice to a condensed food.~~

B. TCS food prepared from ingredients at ambient temperature shall be cooled within 4 hours to 41°F or less.

~~In all cases potentially hazardous food shall be cooled from 135°F to 70°F or below within two (2) hours and from 70°F to 41°F in an additional four (4) hours for a total cooling time not to exceed six (6) hours. If internal food temperatures do not reach 70°F in 2 hours the total cooling time from 135°F to 41°F shall be reduced to 4 hours. Foods shall be left uncovered while cooling. Cooling of foods shall be conducted in an environment which will protect the food from contamination.~~

~~Temperature monitoring shall be required during cooling. Recording of the cooling process on cooling charts shall be required at all times.~~

C. TCS food shall be rapidly cooled, utilizing one or more of the following methods, based on the type of food being cooled:

1. Placing of foods in shallow metal pans under refrigeration and limiting the depth of foods to ~~(4) inches or less~~ dependent upon thickness/density of the foods;
2. An ice **water** bath where the bath is at least to the level of the food in the container and the food is frequently stirred;
3. **Portioning food items** ~~Slicing large cuts of meat/roasts or cutting them into~~ **smaller or thinner** pieces no larger than four (4) pounds and placing under refrigeration; **and**
4. Other approved means such as blast chillers, **cooling wands**, or adding ice **as an ingredient** to a condensed food.

D. Cooling foods shall be arranged in the cooling equipment to provide maximum heat transfer through the container walls, and loosely covered, or left uncovered while cooling. Cooling of foods shall be conducted in an environment which will protect the food from contamination.

E. Cooling temperatures shall be monitored and documented. Cooling documents shall be maintained on-site for 30 days and made available for inspection.

333 304.56 Reheating for Hot Holding

A. Previously cooked ~~potentially hazardous food~~ **TCS food** shall be rapidly reheated within two hours to 165°F **or higher** for 15 seconds ~~or higher~~ throughout all parts of the FOOD before being served, or before being placed in a hot storage unit. Steam tables, bains-marie, warmers, and similar hot food holding facilities **equipment** are prohibited for the rapid reheating of ~~potentially hazardous food~~ **TCS food, unless such procedures are demonstrated as meeting safety requirements.**

B. Commercially **processed ready-to-eat food that has been packaged in a processing plant** ~~canned, intact packaged foods~~ shall be reheated to a minimum of 135°F **for 15 seconds** ~~unless otherwise ordered by the Director.~~ **Once the container or package is opened, the food must be reheated to 165°F for 15 seconds.**

C. Remaining unsliced portions of meat roasts may be reheated for hot-holding using APPROVED oven parameters and time/temperature conditions.

~~D~~ E. ~~When a microwave oven is used~~ **When a microwave oven is used,** food temperatures shall be taken throughout the food ~~due to uneven heat distribution,~~ to assure a reheat temperature of 165°F **for 15 seconds, except where noted above in B, and shall be rotated or stirred, and be**

allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

E. Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer request may be served at any temperature.

304.6 Product Thermometers

Metal stem type numerically scaled indicating thermometers, or other APPROVED temperature measuring devices, properly calibrated and accurate to $\pm 1^{\circ}\text{F}$, shall be provided, and used to assure the attainment and maintenance of proper internal cooking, reheating, holding, or refrigeration temperatures of all potentially hazardous food. Such thermometers shall provide a minimum range of 0°F – 220°F

333 304.7 Thawing Potentially Hazardous Food Time and Temperature Controlled for Safety Food

Potentially hazardous food **TCS food** shall only be thawed:

1. In refrigerated units at a temperature not to exceed 41°F ;
2. **Completely submerged** under potable running water at a temperature of 70°F or below, with sufficient water velocity to agitate and float off **remove** loose food particles into the overflow, **and for a period of time that does not allow thawed portions of:**
 - (a) Ready-to-eat food to rise above 41°F ;**
 - (b) Raw animal-derived food, requiring cooking, to rise above 41°F for more than 4 hours that includes the time needed for preparation and cooking;**
3. In a microwave oven only when the food will be immediately transferred to conventional cooking facilities **equipment** as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven;
4. As part of the conventional cooking process;
- 5. Using any procedure if the frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order; or**
- 6. In the case of reduced oxygen packaged fish, removed from the reduced oxygen environment prior to thawing.**

304.8 Bakery Product Fillings

Custards, cream fillings, and similar products, including synthetic fillings, shall be held at 41°F or below following preparation and be maintained at that temperature during storage, transportation, and display. Products with synthetic fillings may be excluded from this requirement if:

1. The food, including the interface between the bakery product and its filling, has a pH level of 4.6 or below, or a water activity value of 0.85 or less under standard conditions; or

- ~~2. It is handled in such a manner as to preclude contamination with and the growth of pathogenic microorganisms after heat processing; or~~
- ~~3. Other scientific evidence has been provided to the regulatory authority satisfactorily demonstrating that the specific product will not support the growth of pathogenic microorganisms.~~

304.9 Eggs and Egg Products

Only clean, uncracked eggs, or pasteurized eggs and egg products shall be utilized. Whole shell eggs shall not be used in food items which do not require further cooking prior to consumption.

333 ~~304.810~~ Highly Susceptible Populations

In food facilities that serve food to a highly susceptible population:

A. Pasteurized shell eggs or pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for raw shell eggs in the preparation of:

1. Foods such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, **meringue**, eggnog, ice cream, and egg-fortified beverages, and
2. Recipes in which more than one egg is broken and the eggs are combined and not served immediately for one consumer's serving at a single meal. Combining raw eggs as an ingredient immediately before baking followed by thorough cooking is permitted.

B. Unpasteurized liquid, frozen, dry, or shell eggs and other egg products shall only be used when:

1. Combining raw eggs as an ingredient immediately before baking followed by thorough cooking;

2. Combining raw eggs immediately before cooking for one serving at a single meal, followed by thorough cooking; or

3. Preparing eggs under an approved HACCP Plan that includes control and destruction of Salmonella Enteritidis.

C. Food in an unopened original package may not be reserved. Non TCS foods in uncompromised intact packaging may be re-served, provided the food is not being served to or received from patients or clients who are in medical isolation or quarantine, or protective environment isolation.

D. Pre-packaged juice or a pre-packaged beverage containing juice that is not pasteurized, which bears a warning label, shall not be served or offered for sale. Un-packaged juice that is prepared on the premises shall be processed under an approved HACCP Plan. For the purposes of this paragraph only, children who are age 9 or less and receive food in a school, daycare, or similar facility, are included as highly susceptible populations.

E. The following foods may not be served or offered for sale in a ready-to-eat form:

1. Raw animal-**derived** foods such as raw fish, raw-marinated fish, raw mollusk **molluskan** shellfish, and steak tartare;
2. A partially cooked animal-**derived** food such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw shell eggs, and meringue; and
3. Raw seed sprouts.

333.9 Food Processors

A. All food manufacturing, including packaging and storage, shall be conducted under such conditions and controls necessary to minimize the potential for the growth of microorganisms, or the contamination of food.

B. Food that can support the rapid growth of undesirable microorganisms, particularly those of public health significance, shall be held in a manner that prevents the food from becoming adulterated. Compliance with this requirement may be accomplished by effective means, including, but not limited to:

- 1. Maintaining refrigerated foods at 45 °F (7.2 °C) or below as appropriate for the particular food involved;**
- 2. Maintaining frozen foods in a frozen state;**
- 3. Maintaining hot foods at 140 °F (60 °C) or above;**
- 4. Heat treating acid or acidified foods to destroy mesophilic microorganisms when those foods are to be held in hermetically sealed containers at ambient temperatures; or**
- 5. Other laboratory proven methods.**

SECTION 334 305. FOOD DISPLAY AND SERVICE

334 305.1 Potentially Hazardous Food Time and Temperature Controlled for Safety Food

A. Potentially hazardous food **TCS food** shall be kept at an internal temperature of 41°F or below or at an internal temperature of 135°F during display and service, except that roast beef may be held for service at a temperature of no less than 130°F.

B. For existing refrigeration equipment that is not capable of maintaining food at 41°F or less, potentially hazardous food shall be maintained between 45°F and 41°F. This applies only to equipment that is in place and in use in the food establishment. The equipment must be upgraded or replaced to maintain food at a temperature of 41°F or less by January 1, 2005.

334 305.2 Time as a Public Health Control

A. If time only, rather than time in conjunction with temperatures **s of 41°F or below or at a temperature of 135°F or above**, is used as the public health

control for a working supply of ~~potentially hazardous food~~ **TCS food** before cooking, or for ready-to-eat ~~potentially hazardous food~~ **TCS food** that is displayed or held for sale or service for immediate consumption:

1. The food shall be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the FOOD is removed from temperature control;
2. The food shall be cooked and served, served if ready-to-eat, or discarded, within 4 hours from the point in time when the FOOD is removed from temperature control;
3. The food in unmarked containers or packages, or marked to exceed a 4-hour limit, shall be discarded; and
4. Written procedures shall be **prepared in advance**, maintained in the food facility ~~establishment~~, and made available to the Department upon request.

B. If time without temperature control is used for up to a maximum of 6 hours, all steps in 334.2A apply, however, the food temperature must be continually monitored, have an initial temperature of 41°F or below, and may not exceed 70°F during the 6-hour period.

C. In a food facility ~~establishment~~ that serves a highly susceptible population time only, rather than time in conjunction with temperature, may not be used as the public health control for raw eggs.

334 305.3 Display Equipment

A. ~~Prepared~~ Food on display shall be protected from consumer contamination by being packaged; or by easily cleanable sneeze guards for counters, service lines, or salad bars; or by cabinets for self-service; or by similar protective equipment. ~~The exception~~ **Exceptions** to this is **subsection include** where whole, unprocessed raw fruits, raw vegetables, **and nuts in the shell** whole raw fish **that** are displayed for sale that **and** are intended for hulling, peeling, or washing by the consumer before consumption.

B. Enough **Sufficient number of** hot or cold food **holding** units shall be provided to assure the maintenance of ~~potentially hazardous food~~ **TCS food** at the required temperature during display.

C. ~~Potentially hazardous food~~ **Food** shall not be provided for consumer self-service other than at a properly protected **and monitored self-service operations such as a** buffet or salad bar ~~type operation~~.

334 305.4 Pre-Set and Self-Service Tableware

A. Pre-set tableware shall be protected from contamination by being pre-wrapped, covered or inverted, unless the settings are removed when a consumer is seated, or the settings are cleaned and sanitized before use.

B. Unwrapped utensils at self-service locations shall be protected from contamination and be presented with the handle of the utensil to the consumer.

334 305.4-5 Re-Use of Tableware

A. Reuse of soiled TABLEWARE is prohibited. Clean plates, bowls, and/or single-service Articles must be used each time a customer **patron** returns to the service area. beverage cups and glasses are exempt from this requirement **if it is a contamination-free process as specified in § 4-204.13(A), (B), and (D) of the MFC.**

B. Food facilities ~~must~~ **shall** post a sign prohibiting the reuse of plates or bowls by customers **patrons** in salad bar or similar self-service areas.

334 305.5-6 Dispensing Utensils

A. To avoid unnecessary manual **bare hand** contact with food, suitable **and sufficient** dispensing utensils and/or single-service articles shall be used by employees **food workers** or provided to CONSUMERS who serve themselves as in bulk food sales, buffets, or at salad bars.

B. Between uses, dispensing utensils shall only be stored:

1. In the food with the handle extended out of the food; or
2. Clean and dry **if properly cleaned and sanitized every 4 hours;**
or
3. In running potable water **of sufficient velocity to flush food particles to the drain;** or
4. In a running potable water dipper well **In water that is maintained at a temperature of 135°F or greater and free of food residue accumulation.**

334 305.6-7 Condiment Dispensing

A. Sugar, condiments, seasonings, and dressings for self-service, ~~or~~ table, **or** counter service shall be provided in individual packages; from dispensers; or from containers protected in accordance with this Article.

B. Ketchup and other sauces **Condiments** may be served in the original container **designed for dispensing** or **from** a pour-type dispenser **if the container is closed between uses.**

334 305.7-8 Ice Dispensing

A. Ice for consumer use shall be dispensed ~~only by employees~~ with scoops, tongs, or other ice dispensing UTENSILS or through automatic self-service, ice dispensing equipment. ~~Consumers may obtain ice for themselves only through automatic self-service equipment.~~ **Self-service ice must be protected from patron contamination.**

B. Ice dispensing utensils for use by employees **food workers** shall be stored on a clean surface or in an ice storage bin with the handle of the utensil extending out of the ice. No utensil shall be stored inside an ice making machine unless the machine is equipped for its storage.

C. Between uses, ice transfer receptacles shall be stored off the floor in a way that protects them from contamination.

D. Ice making machines and storage bins shall be drained through plumbed pipes with an air gap according to the Allegheny County Health Department **Article XV, "Plumbing Code"**.

334.9 305.8 Re-Service of Food

Once served **or sold** to a consumer, **unused** portions of **or** left-over food, shall not be served again **to another consumer**. However, **non-TCS** packaged food, other than potentially hazardous food **such as, but not limited to, crackers and condiment packages**, that is **are** still packaged, and is still in sound condition, may be re-served.

334 305.10 Bulk milk

Bulk milk container dispensing tubes shall be cut diagonally leaving no more than one-inch protrusion from the chilled dispensing head.

SECTION 335. DONATION OF FOODS

Once served or sold to a consumer, unused portions of or left-over food, shall not be offered as food for human consumption except as otherwise provided in this section.

335.1 Previous service

A. Packaged TCS foods, such as unopened milk, may be re-served or donated if immediately stored and maintained at 41° Fahrenheit or below.

B. The following food products may be re-served or donated.

1. Packaged non-TCS foods.

2. Whole fruit, such as apples or bananas.

335.2 Unpackaged and unserved foods.

Unpackaged and unserved foods may be donated if the following requirements are met.

A. The temperature of the food is at or below 41° Fahrenheit, or an ambient temperature of 45° Fahrenheit for raw shell eggs, at the time of donation, and is protected from contamination;

B. The food has been at or above 135° Fahrenheit during hot holding and service, and subsequently refrigerated to meet the time and temperature requirements in § 332.3, or maintained at proper holding temperatures required in § 332.4;

C. The donor can substantiate that the food recipient has the facilities to meet the transportation, storage, and reheating requirements of this section; and

D. The food is to be transported by the food recipient directly to a consumer, the recipient only needs to meet the transportation requirements in this section, including holding temperatures.

335.3 Labeling

Donated foods transported offsite shall be labeled with the name of the food, the source of the food, the date of preparation, and the discard date.

335.4 Shelf Life

Donated TCS foods may not exceed the shelf life for leftover foods outlined in § 332.5.

335.5 Damaged Foods

Heavily rim or seam-dented canned foods, or packaged foods without the manufacturer's complete labeling shall not be donated.

335.6 Distressed Foods

Foods which are considered distressed, such as foods which have been subjected to fire, flooding, excessive heat, smoke, radiation, other environmental contamination, or prolonged storage shall not be directly donated to the consumer. Such foods may be sold or donated to a permitted food salvage facility.

SECTION 336 306. FOOD TRANSPORTATION

336 306.1 General

The requirements for storage, display, and general protection against contamination, as contained in this Article shall apply in the transporting of all food from a food facility to another location for service, ~~or catering,~~ **or donation** operations. All potentially hazardous food **TCS food** shall be kept at 41°F or below, or 135°F or above, during transportation. Adequate ~~and approved~~ equipment must be used for maintaining food product temperatures.

336 306.2 Food Protection

During its transportation from a food facility to another location, food and food contact **surfaces** items shall be kept in covered containers or be completely wrapped or packaged so as to be protected from contamination.

336.3 Warehouse and wholesale distribution

Storage and transportation of food shall be under conditions that will protect food against physical, chemical, and microbial contamination as well as against deterioration of the food and the container in accordance with 21 CFR § 110.93.

SECTION 337 329. MODIFIED ATMOSPHERE PACKAGING SPECIALIZED PROCESSES AND HAZARD ANALYSIS CRITICAL CONTROL POINT PLANS

337 329.1 General

Food facilities **applying specialized processing methods, as listed below,** shall comply with the requirements of this Article ~~while conducting modified atmosphere packaging~~ and shall adhere to the requirements listed in this Section. **A written HACCP Plan shall be required to be submitted for approval prior to engaging in a specialized processing method, a process determined by the Department requiring a HACCP Plan, or as required by 21 CFR § 117. Written approval from the Department shall be obtained in all cases, be product specific and shall be retained at**

the facility for review at any time by the Department or appropriate regulatory authority. Specialized processing methods include:

A. Smoking food as a method of food preservation;

B. Curing food;

C. Using food additives or adding components such as vinegar:

1. As a method of food preservation, or

2. To render a food so that it is not TCS food;

D. Packaging food using a modified atmosphere packaging method;

E. Operating a molluscan shellfish life-support system display tank that is used to store or display shellfish that are offered for human consumption;

F. Custom processing animals, such as deer;

G. Growing and harvesting seed or bean sprouts;

H. Freezing fish for raw, raw-marinated, partially cooked, or marinated-partially cooked consumption;

I. Packaging juice to attain a 5-log reduction of microorganisms; and

J. Preparing food by any another method that is determined by the Department to require prior approval.

~~Written permission shall be obtained from the Department for each food which is modified atmosphere packaged. The request from the food facility and approval from the Department shall be product specific.~~

337 329.2 Safety Barriers HACCP Plan Contents

- ~~A. Refrigeration is the primary safety barrier. Only refrigerated foods that possess one or more of the following secondary safety barriers can be packaged in a modified atmosphere:~~
- ~~1. Water activity (A_w) below .91~~
 - ~~2. Acidity (pH) of less than 4.6~~
 - ~~3. High levels of non-pathogenic competing organisms that prohibits the growth of pathogenic bacteria.~~
 - ~~4. Meat or poultry products processed under U.S.D.A. Supervision with a nitrite level of at least 120 PPM and a minimum brine concentration of 3.5%~~
 - ~~5. Frozen foods provided the product is maintained in a frozen state before, during and after packaging~~
- ~~B. Fish and Fishery Products. Raw or processed fish and fishery products may not be processed in a modified atmosphere unless held frozen before, during and after packaging.~~
- ~~C. Approved product list for modified atmosphere packaging must be posted in the processing area.~~

- ~~D. Signs must be posted in the processing area warning against packaging unapproved foods.~~
- ~~E. All foods in modified atmosphere packages must be refrigerated at 41°F or below or kept frozen at 0°F or below.~~

HACCP Plans, when required, shall include the following:

A. General information such as the name and address of the food facility, permit holder's contact information, and specialized equipment used.

B. A categorization of the types of foods that are to be controlled under the HACCP Plan.

C. A flow diagram or chart by specific food or category type, identifying Critical Control Points (CCP) and providing information on the following:

- 1. Ingredients, materials, packaging supplies and equipment used in the preparation of that food;**
- 2. Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;**
- 3. The product labeling system;**
- 4. List the food safety hazards that are reasonably likely to occur, as identified in the Hazard Analysis.**

D. A food worker and supervisory training plan that addresses the food safety issues of concern.

E. A CCP summary for the plan under consideration that clearly identifies the following:

- 1. Each CCP.**
- 2. The significant hazard for each CCP.**
- 3. The critical limits for each CCP.**
- 4. The method and frequency for monitoring and controlling each CCP by the food worker designated by the Person in Charge.**
- 5. The method and frequency for the Person in Charge to routinely verify that the designated food worker is following standard operating procedures and monitoring CCPs.**
- 6. Corrective action plans that have been developed to be followed in response to deviations from critical limits at CCPs.**

7. Records to be maintained by the Person in Charge to demonstrate that the HACCP Plan is properly operated and managed.

8. Standard Sanitation Operational Procedures (SSOP) that describe the procedures along with the frequency for cleaning and sanitizing food-contact surfaces and equipment.

G. Additional scientific data or other information, as required by the Department, supporting the determination that food safety is not compromised by the proposal.

337 329.3 Labeling "Use By" Dates Reduced oxygen packaging (ROP) or Modified Atmosphere Packaging (MAP)

- A. Each package of refrigerated retail processed food in a modified atmosphere must bear a "Use By" date. This date cannot exceed 14 days from retail processing. Also, the date assigned by the retailer cannot go beyond the manufacturer's recommended "Pull Date" for the food. The "Use By" date must be listed on the principal display panel in bold type on a contrasting background. Modified atmosphere packaged foods shall not be sold past the "Use By" date on the label. Foods that remain frozen before, during and after processing are exempt from this requirement.
- B. Packaging must bear "Keep Refrigerated" or "Keep Frozen" statement on the principal display panel in bold type on a contrasting background.

A. A retail food facility that packages food using a ROP or MAP method shall ensure that there are at least two barriers in place to control the growth and toxin formation of *Clostridium botulinum* and the growth of *Listeria monocytogenes*.

B. A retail food facility that packages food using a ROP or MAP method shall have an HACCP Plan that requires that the packaged food, as the primary barrier, be maintained at 41 ° F or less, and that meets the following criteria:

1. Identifies the food to be packaged.

2. Has the secondary barrier that complies with one of the following:

(a) Has an a_w of 0.91 or less;

(b) Has a pH of 4.6 or less;

(c) Is a meat or poultry product cured at a food facility/ establishment regulated by U.S. Department of Agriculture (USDA) using substances specified in 9 CFR 424.21 (relating to use of food ingredients and sources of radiation), and is received in an intact package;

(d) Is a FOOD with a high level of competing organisms, that prohibit the growth of pathogenic bacteria, such as raw meat, raw poultry or raw vegetables; or

3. Describes how the packages shall be prominently and conspicuously labeled on the principle display panel in bold type

on a contrasting background, with instructions to do the following:

- (a) Maintain the food at 41°F or below;**
- (b) Discard the food within 30 calendar days of its packaging if it is not served for on-premises consumption, or it is not consumed if served or sold for off-premises consumption;**

4. Limits the refrigerated shelf life to no more than 30 calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell-by" or "use-by" date, whichever occurs first;

5. Includes operational procedures that:

- (a) Prohibit contacting ready-to-eat food with bare hands;**
- (b) Identify a designated work area and the method by which there are physical barriers or methods of separation of raw foods and ready-to-eat foods to minimize cross contamination, and by which access to the processing equipment is limited to responsible trained personnel familiar with the potential hazards of the operation; and**
- (c) Prohibit interruption of the packaging process;**
- (d) Delineate cleaning and sanitation procedures for food-contact surfaces prior to use; and**

6. Describes the training program that ensures that the individual responsible for the ROP operation understands concepts and procedures required for a safe operation.

C. A retail food facility may not package fish using ROP unless the fish is frozen before, during and after packaging. ROP fish shall be labeled to be cooked from the frozen state or to be removed from the reduced oxygen environment prior to thawing;

D. A retail food facility that packages food using a cook-chill or sous vide process shall:

1. Implement an HACCP Plan that contains the information as specified in § 336.2;

2. Ensure the food is:

- (a) Prepared and consumed on the premises, or prepared and consumed off the premises but within the same business entity with no distribution or sale of the bagged product to another business entity or the consumer;**
- (b) Cooked to heat all parts of the food to a safe temperature unless covered by a consumer advisory;**
- (c) Protected from contamination before and after cooking;**
- (d) Placed in a package or bag with an oxygen barrier and sealed before cooking, or placed in a package or bag and sealed immediately after cooking and before cooling to a temperature below 135°F;**

(e) Cooled to 41°F or below in the sealed package or bag using a safe procedure and:

1) Cooled to 34°F within 48 hours of reaching 41°F and held at that temperature until consumed or discarded within 30 days after the date of preparation;

2) Held at 41°F or less for no more than 7 days, at which time the FOOD must be consumed or discarded; or

3) Held frozen with no shelf life restriction while frozen until consumed or used.

(f) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily;

(g) Transported in refrigeration that is equipped with verifiable electronic monitoring devices to ensure that times and temperatures are continuously monitored when transported off-site to a satellite location of the same business entity; and

(h) Labeled with the product name, the date packaged, and the discard date if not frozen.

3. Maintain the records required to confirm that cooling and cold holding refrigeration time/temperature parameters are met as part of the HACCP Plan, and that the records are:

(a) Made available to the regulatory authority upon request, and

(b) Held for at least 6 months; and

4. Ensure written operational procedures and a training program as specified are implemented.

E. A retail food facility that packages cheese using a ROP method shall:

1. Limit the cheeses packaged to those that are commercially manufactured in a food processing plant with no ingredients added by the food facility and that meet the Standards of Identity as specified in 21 CFR 133.150 (Hard cheeses); 21 CFR 133.169 (Pasteurized process cheese) or 21 CFR 133.187 (Semisoft cheeses);

2. Have a HACCP Plan;

3. Label the package on the principal display panel with a "use by" date that does not exceed 30 days or the original manufacturer's "sell by" or "use by" date, whichever occurs first; and

4. Discard the ROP cheese if it is not sold for off-premises consumption or consumed within 30 calendar days of its packaging.

F. A HACCP Plan is not required when a retail food facility uses a ROP method to package TCS food that is always:

1. Labeled with the production time and date,

2. Held at 41°F or less during refrigerated storage, and

3. Removed from its package in the food facility within 48 hours after packaging.

329.4 Hazard Analysis and Critical Control Point (HACCP)

All food facilities processing food in a modified atmosphere must develop an HACCP Program and maintain a copy of this program at the processing site for review by the appropriate regulatory authority. This HACCP Program shall include:

1. A complete description of the processing, packaging, and storage procedures. The program must also identify the critical control points in the procedure with a description of how these will be monitored and controlled
2. A list of the equipment and food contact packaging supplies used including compliance standards required by the regulatory agency (e.g. NSF, U.S.D.A., etc.)
3. A description of the lot identification system
4. A description of the employee training program
5. If gases are used, they must be identified as being of food grade quality and must be listed by proportion of gas(es) used in the packaging
6. A description of the procedure along with the frequency for cleaning and sanitizing the involved food contact surfaces in the processing area
7. A description of action to be taken if there is a deviation from the process approved by the regulatory agency

329.5 Safety Barrier Verification

The safety barrier requirement must be verified in writing for all foods processed in a modified atmosphere. This can be accomplished via written certification from the product manufacturer or through independent laboratory analysis of the incoming product using the official method of analysis. Any changes in product formulation or processing procedures that impact on the safety barrier require recertification of the product. All barrier certifications must be updated every twelve months or as required by the appropriate regulatory authority. A record of all safety barrier verifications must be available at the processing site for regulatory review.

329.6 4 U.S.D.A. Process Exemption

Meat and poultry products, cured under U.S.D.A. inspection or a state program equal to U.S.D.A., with a nitrite level of at least 120 PPM and a brine concentration of at least 3.5% are exempt from the safety barrier verification requirements.

337 329.7 5 Microbiological Testing

Microbiological testing of product at the end of shelf life will only occur **may be required** if an existing or potential problem is identified.

329.8 Precautions Against Contamination

Only unopened packages of commercially manufactured food products can be used to process in a modified atmosphere. If it is necessary to stop processing for a period in excess of one half hour, the remainder of that product must be diverted for another use in the retail operation.

329.9 Designated Area/Restricted Access

All aspects of modified atmosphere packaging shall be conducted in an area specifically designated for this purpose. There shall be an effective separation to prevent cross-contamination between raw and cooked products. Access to the processing area shall be restricted to responsible trained personnel who are familiar with the potential hazards of this operation.

329.10 Sanitization

All equipment and food contact surfaces must be sanitized prior to use for the modified atmosphere packaging of food.

329.11 Employee Training

Employees assigned to process foods in modified atmosphere packages must be familiar with these guidelines and the potential hazards associated with modified atmosphere packaged foods. A description of the training and course content provided to the employees must be available for review and approval by the Department.

337.6 Documentation of HACCP Plans

The HACCP Plan shall be signed and dated, either by the Person in Charge at the food facility or by the permit holder. This signature shall signify that the HACCP Plan has been accepted for implementation by the food facility after approval from the Department. The HACCP Plan shall be dated and signed:

- 1. Upon initial acceptance by the food facility;**
- 2. Upon any modification; and**
- 3. Upon reassessment of the adequacy of the HACCP Plan by the food facility.**

337.7 Other Agency Jurisdiction

Food facilities within Allegheny County under the jurisdiction of Federal agencies such as, but not limited, to the USDA or the FDA, or Commonwealth of Pennsylvania agencies, shall follow the HACCP Plan rules and regulations issued by the agency having jurisdiction. The food facility must be able to provide HACCP Plan records and documentation upon request for official review by the Department.

SECTION ~~338~~ 332. EXAMINATION, CONDEMNATION AND EMBARGO OF FOOD

The Director ~~Department~~ may examine food or collect samples of such food as often as deemed necessary for enforcement of this Article. The Director ~~Department~~ may condemn and forbid the sale of, or cause to be removed or destroyed, any food or beverage which is **unsafe, from unapproved sources including sources that cannot be verified,** unwholesome or adulterated. Condemned food shall be disposed of properly **under the direction of the Department.** Food subject to a hold order (Embargo notice) shall **remain under conditions specified in the official notice; shall** be tagged or labeled; and shall not be used, served or removed from the food facility **until released by the Department.** The Director ~~Department~~ shall permit storage of the food under conditions specified in the Embargo notice. A written request for a hearing may be filed with the Director within ten working days. If no hearing is requested, a decision on the embargoed food will take place under the supervision of the Director.

SPECIAL FOOD SERVICE FACILITIES

SECTION ~~339~~ 327. MOBILE FOOD UNITS FACILITIES

339 327.1 General

A. Mobile food units ~~units~~ **facilities** shall comply with the requirements of this sections **312 and 313** and all other applicable sections of this Article except as otherwise provided in this paragraph and in section ~~327~~ of this Article. **Based on the limitations of the mobile food facility,** the Department may impose additional requirements **such as, but not limited to, menu modification or preparation restrictions, in order** to protect against health hazards, related to the conduct of the food facility as a mobile operation, may prohibit the sale of some or all potentially hazardous food and when no health hazard will result, may waive or modify requirements of this section relating to physical facilities, except those requirements of sub-section ~~327.3, 327.4, and 327.7~~ of this Article.

B. All mobile food units facilities or pushcarts shall display a valid approved Mobile Food Unit Sticker "Inspected and Permitted by the Allegheny County Health Department" placard issued by the Department, at all times The placard shall be displayed in a place conspicuous to the public, at patron points of service.

C. Mobile food facilities shall not serve food with reusable utensils or on reusable articles.

D. All mobile food facilities, except those only providing prepackaged food or beverages that are dispensed from covered containers or other protected equipment, must comply with the requirements of this Article pertaining to water and wastewater systems.

E. The operator of the mobile food facility must submit to the Department a current copy of the State Registration of the vehicle, approved commissary documentation, and upon request of the Department, a current list of the proposed food service locations and approximate arrival times to those locations. Documents must be updated yearly.

339 327.72 Commissary

A. Mobile food units ~~units~~ **facilities** shall operate from a **permitted** commissary or other **permitted** fixed food facility. **The mobile food facility** shall **physically** report **as required** daily to such location for all food, **potable water, waste disposal, warewashing, and other cleaning and servicing operations**, and supplies, and again for all cleaning, servicing operations, and waste disposal.

B. The commissary or other fixed food facility ~~used as a base of operation~~ for mobile food units **facilities** shall be constructed and operated in compliance with the requirements of this Article. If the commissary is located outside Allegheny County, the mobile food unit operator must show proof, that said commissary possesses a valid license or permit, and has had a satisfactory recent inspection from the appropriate regulatory authority for that location.

C. The commissary shall have all the necessary equipment needed to properly prepare and process food for sale from a mobile food:

C. The commissary shall be inspected no less than once per year, or as deemed necessary by the Department, and the mobile food facility should be present for the inspection.

D. A commissary visit log must be maintained at the commissary and made available upon request.

E. If the commissary of a mobile food facility is located outside Allegheny County, the operator must show proof, at time of inspection, that the commissary possesses a valid license or food permit, and has had a satisfactory recent inspection in the past 18 months from the appropriate regulatory authority for that location.

327.2 Restricted Limited Operation

Mobile food units serving only food in pre-packaged individual servings, transported and stored under conditions meeting the requirements of this Article; beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with requirements of this Article pertaining to the necessity of water and sewage systems, nor to those requirements pertaining to the warewashing, if the required equipment for warewashing exists at the commissary.

327.3 Single Service Articles

Mobile food units shall provide only single service articles for use by the consumer.

339 327.43 Mobile Food Unit: Potable Water and Water System

A. A mobile food units **facility** requiring a water system shall have a potable water **in accordance with § 319 of this Article.** system under pressure. All water distribution pipes ~~and~~ or tubing shall be constructed using safe materials and properly installed in accordance with the requirements of this Article. The water used on these units must be in accordance with Section 313 of this Article. The **water** system shall be of sufficient capacity to furnish

enough hot and cold water for food preparation, warewashing, and handwashing, in accordance with the requirements of this Article.

B. A mobile food facility potable water tank and water system shall conform to the MFC standards. The water system shall be under pressure, constructed using safe materials, and properly installed. The potable water tank shall be sloped to an outlet that allows complete draining. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be kept capped unless being filled.

C. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be protected by a cap on a keeper chain, except while being filled. The water inlet shall be provided with a transition connection of a size ¾ inch or less inner diameter and be of a ~~or-type~~ that will prevent its use for any other service.

D. Potable water shall be supplied through a food grade hose solely dedicated for such purpose.

E. The potable water system on a mobile food facility must be properly maintained at all times. The water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse greater than 24 hours.

339 327.54 Mobile Food Unit: Waste Retention

A. Liquid waste shall not be discharged from the retention tank when the mobile food facility is in motion. Sewage and other liquid wastes shall be removed from a mobile food facility at an approved waste servicing area in such a way that a public health hazard or nuisance is not created.

B. If liquid waste results from operation of a mobile food unit, the wastewater shall be stored in a permanently installed retention tank that is of at least 15 percent larger capacity than the water supply tank and be sloped to drain.

C. The connections on the vehicle for servicing mobile food unit facility waste disposal facilities shall be at least 1-inch inner diameter and equipped with a shut-off valve of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

339.5 Mobile Food Unit: Fuel and Power Sources

All cooking equipment and fuel sources shall be installed, operated, and maintained according Pennsylvania State Law.

327.6 Mobile Food Unit Operation

The operator of the mobile food unit must submit to the Department a current copy of the State Registration of the vehicle, approved commissary documentation, and upon request of the Department, a current list of the proposed food service locations and approximate arrival times to those locations.

SECTION 340 ~~328~~. TEMPORARY AND SEASONAL FOOD STANDS FACILITIES

340 ~~328~~.1 General

A. Temporary food stands **facilities** and seasonal food stands **facilities** shall comply with the requirements of this Article except as otherwise provided in this section. **Based on the limitations of the temporary or seasonal food facility, t**The Director **Department** may impose additional requirements **such as, but not limited to, menu modification or preparation restrictions, in order** to protect against health hazards related to the conduct of temporary food stands or seasonal food stands and may prohibit the sale of some or all potentially hazardous food.

B. No potentially hazardous food **TCS food stored or** prepared in a private home or an unpermitted **food facility** may be used or sold in a temporary or seasonal food stand **facility**.

~~328.2 Limited Food Preparation~~

Food preparation shall be simplified to reduce or eliminate hazardous food preparation steps.

A. The Director may review food preparation steps of any menu item and may require modification of the food preparation steps to assure safe food.

B. Number of menu items may be limited by the Director based on the types of foods served and the extent of food preparation and available equipment.

340 ~~328~~.32 Ice as Temperature Control and Refrigeration

A. If ice is to be used for temperature control the following criteria must be met:

- ~~1.~~ Ice shall be from an approved source.
- ~~2.~~ The ice holding container shall be of a non-porous, easily cleanable surface, with an attached lid. Styrofoam coolers shall not be approved.
- ~~3.~~ **1.** Ice used for holding food or Beverages shall not be used for human consumption.
- ~~4.~~ Ice containers shall be drained to prevent accumulation of water.
- ~~5.~~ **2.** Loosely wrapped foods shall not be in direct contact with ice **or accumulated water**.

3. There shall be a sufficient supply to maintain TCS-food at 41°F or less.

B. Mechanical refrigeration units shall be clean and in good repair and shall be capable of maintaining food temperatures at 41°F or below. Alternate methods of temperature control shall be provided in the event of a power outage.

340 ~~328~~.43 Water Supply

A. A readily available supply of ~~running~~ water from an approved source shall be provided at all times to the event location.

B. A minimum of ten (10) gallons of water from an approved source **for hand washing, utensil washing, and general cleaning** shall be kept at each ~~stand~~ **temporary food facility**. This water must be stored in an approved covered container and poured from a dispensing spout.

C. In the case where hot water is not available to the site, an adequate means of heating water shall be provided by the operator.

D. When only pre-packaged **TCS** food is sold, the requirements under ~~§§ 306, 340.4328.4(B)~~ and ~~340328.4(C)~~ will be waived.

340 328.5 Cleaning and Sanitizing Equipment

A. Adequate facilities shall be set up for cleaning and sanitizing food-contact surfaces **and utensils** such as cooking utensils, cutting boards, knives, etc. **In the absence of a three-compartment sink, ~~It~~ three labeled containers of adequate volume must be utilized in the following manner sequence: wash (hot, soapy water), rinse (clear water), and sanitize (approved sanitizer and water).**

1. Wash (hot, soapy water)
2. Rinse (clear water)
3. Sanitize (approved sanitizer & water)

B. Containers shall be stored off the ground and **shall be** adequately protected.

C. An approved sanitizer must be on the site and used in the above manner at all times.

D. All utensils and equipment must be air dried.

340 328.6 Handwashing

~~A.~~ Handwashing facilities shall be provided at all **temporary food facilities** in all cases except where only pre-packaged foods are sold. **Acceptable handwashing methods include the use of:**

~~1.~~ The use of **Clean running water** drawn from a dispensing spout, ~~and~~ **with soap and single-service towels, and a wastewater collection container** is acceptable for handwashing. Dipping **Rinsing** of hands in **sanitizer or standing** the water is not approved; ~~or~~ Single-service towels must be provided for hand drying.

~~2.~~ The use of **Readily available moist towelettes** containing an approved disinfectant **antiseptic** agent also is acceptable when food exposure **and handling** is limited **to prepackaged foods only.**

340 328.87 Sewage and Wastewater

A. Containers of adequate capacity with tight-fitting lids shall be provided for retention of all wastewater prior to disposal.

B. All wastewater shall be disposed of in a sanitary sewer.

340 328.78 Construction of the Stand a Temporary or Seasonal Food Facility

A. ~~Overhead~~ **protection, overhead as well as for other openings,** shall be provided for all food preparation and food storage areas. Materials such as canvas, plastic or wood that protect the ~~establishment~~ **facility** from the weather **and environmental conditions** shall **must** be APPROVED **prior to operation**. A site shall be chosen which will minimize problems with dirt, ~~and~~ dust **and other contaminants**.

B. The remainder of the stand **temporary food facility** shall be constructed of material which allows easy cleaning.

328.8 Sewage

A. Containers of adequate capacity with tight fitting lids shall be provided for retention of all wastewater prior to disposal.

B. All wastewater shall be disposed of in a sanitary sewer.

C. Adequate toilet facilities shall be available at the event. Approved portable toilets shall be provided if public restrooms are unavailable.

SECTION 341. SHARED KITCHENS

341.1 General

The Department will evaluate shared kitchens for the storage, preparation of food, warewashing, waste disposal, equipment storage, or the replenishment of supplies and equipment. The Department may impose additional requirements to protect against health hazards related to the use of food facilities as shared kitchens.

341.2 Approval and Review

A. Any time three or more food facilities propose to operate out of the same commercial kitchen, the primary permit holder of the commercial kitchen shall notify the Department of their intent to share kitchen space.

B. If a food facility was not previously approved by the Department to be a shared kitchen, the primary permit holder must submit plans and specifications to the Department for approval, as specified in § 304 of this Article, as this shall be considered a significant change of operations.

C. The Department may limit the use of a commercial kitchen as a shared kitchen based on factors such as the size of the kitchen, the equipment available, and the compliance history of the food facilities involved.

341.3 Responsibilities in Shared Kitchens

A. Primary permit holder duties. The primary permit holder shall do all the following:

- 1. Ensure the physical facilities and all equipment provided by the primary permit holder in the shared kitchen are in compliance with all local, state and federal regulations.**

2. Ensure that any person engaged in food preparation or storage within the facility is properly permitted.

3. Maintain the following records on site regarding the use of the shared kitchen and make the records immediately available upon request by the Department at the time of inspection:

(a) A list of all shared kitchen users and current contact information.

(b) For each shared kitchen user, a copy of the following documents:

1) All agreements entered into by the primary permit holder with each shared kitchen user, including the effective date, and if applicable, the termination date of each agreement, for a period of at least 12 months after the date of entry of a record.

2) If the shared kitchen user is processing or storing TCS foods, a valid CFPM certificate.

(c) A schedule of the proposed dates and times when each shared kitchen user, including the primary permit holder, intends to use the shared kitchen.

(d) A shared kitchen user sign-in log indicating the dates and times each shared kitchen user arrived and departed.

4. Notify the Department if a shared kitchen user terminates or otherwise withdraws from any contract or agreement, or if a shared kitchen user discontinues use of the space without contacting the primary permit holder.

5. Provide access for inspection by the Department to all locked equipment located in any storage area maintained in the shared kitchen.

6. Ensure that the number of users operating in the shared kitchen does not pose a health or safety risk.

7. Maintain a valid food permit issued by the Department.

B. Shared kitchen user duties. A shared kitchen user issued a food permit for a food facility shall:

1. Conform to the requirements provided in this Article.

2. Be responsible for any equipment or facility violations that pertain to the user's operation in the shared kitchen.

3. Ensure a CFPM, employed by the user, is on site at all times that TCS food is being prepared, handled, packaged, served or

otherwise used, and make available, upon request, a CFPM certificate.

4. Have a copy of their food permit posted on site at all times when the shared kitchen user is physically using the shared kitchen.

5. Store all food and ingredients, in accordance with § 332 of this Article, in the shared kitchen until use or delivery to the consumer. Food and food ingredients shall not be stored in an unpermitted location or facility.

342. SELF-SERVICE FOOD FACILITY

342.1 General

A. Self-service food facilities shall comply with the requirements of this section and all other applicable sections of this Article.

B. Self-service food facilities shall display a valid "Inspected and Permitted by the Allegheny County Health Department" placard issued by the Department. The placard shall be displayed in a place conspicuous to the public.

C. Self-service food facilities shall provide information to the Department as to the responsible party that will be available for routine inspections.

D. All self-service food facilities display-units offering TCS food, shall be equipped with a self-closing door.

E. Self-service food facilities shall have a sign readily visible from the automated payment kiosk stating:

1. The name of the business to whom complaints or comments shall be addressed;

2. The address of the business responsible for the facility; and

3. The responsible business's telephone number and email or web information, when applicable.

F. A self-service food facility will not be required to maintain a Person in Charge onsite if the conditions in sections 342.2 and 342.3 are met.

342.2 Food Conditions

A. Pre-packaged food sold at a self-service food facility shall:

1. Meet the labeling requirements as specified in §3-201.11(C) of the MFC; and

2. Be tamper evident.

B. All food shall be stored and discarded in accordance with §3-501.17 and §3-501.18 of the MFC.

342.3 Vending Machines

A. All self-service food facilities vending machines offering TCS foods shall have an automatic shut-off control or a plan approved by the Department that prevents the vending machine from dispensing food if:

1. There is a power failure, mechanical failure, or other condition that results in failure of the equipment to maintain food temperatures as specified under § 332 of this Article; and

2. Where a condition specified in subparagraph (1) of this subsection occurs, until the equipment is serviced and restocked with food that has been maintained at temperatures specified under § 332 of this Article.

B. The automatic shut-off within the vending machine cold holding TCS food shall activate when the ambient temperature exceeds 41° Fahrenheit or 45° Fahrenheit for a unit holding raw shell eggs only, for more than 30 minutes immediately after the display is filled, serviced, or restocked.

C. The automatic shut-off within the vending machine hot holding TCS food shall activate when the ambient temperature is below 135° Fahrenheit for more than 120 minutes immediately after the display is filled, serviced, or restocked.

ADMINISTRATIVE PROCEDURES AND REMEDIES

SECTION 343. 337. ADMINISTRATIVE PROCEDURES Suspension of a Food Permit - Imminent Health Hazard

337.1 Summary Suspension / Imminent Hazard

A. If the Director ~~Department~~ finds there is an **imminent health hazard** imminent danger to the public health the **food** permit shall immediately be suspended. Any person whose **food** permit has been suspended under this section shall upon written request be entitled to a hearing pursuant to Article XI, "Hearings and Appeals", of the Allegheny County Rules and Regulations.

The suspension shall not become effective until the operator has received legal notice of the decision.

B. Upon suspension or revocation of a **food** permit, the Director ~~Department~~ shall immediately post a "**Closed by Order of the Allegheny County Health Department**" **Placard** notice of permit suspension or revocation in plain view at all customer **patron** entrances to the premises. Such notice shall not be concealed, or removed. Removal shall be only at the direction of the Department.

C. A person whose **food** permit has been suspended shall have the **food** permit reinstated upon completion of the corrective action required by the Director ~~Department~~ and an inspection verifying such corrections. It shall be unlawful to operate a food facility with a suspended **food** permit.

SECTION 344. 337-2 Suspension and Reinstatement of the a Food Permit - Non-Imminent Hazard

A. If the ~~Director~~ **Department** determines that there is a violation of any of this Article **the Rules and Regulations of the Allegheny County Health Department** or laws of the Commonwealth of Pennsylvania and **but** there is no imminent **health hazard** danger to the public health, the **facility's food permit** of the food facility may be suspended.

B €. The **food** permit suspension shall not become effective until an opportunity for a pre-suspension hearing has been afforded to the holder of the permit. The pre-suspension hearing notice shall contain the violations, and where applicable, any corrective action which must be taken and the time within which such corrections must be completed. The ~~Director~~ **Department** shall fix **schedule** a hearing no sooner than six (6) days from the date of mailing of the notice of pre-suspension hearing unless the ~~Director~~ **Department** and the applicant both agree to a hearing at an earlier date. If the permit holder fails to appear at the hearing, the suspension shall become effective on the date fixed for **of** the hearing; otherwise, the suspension shall become effective at such time as may be fixed by the ~~Director~~ **Department**. Upon suspension or revocation of a permit, the ~~Director~~ shall immediately post a notice of permit suspension or revocation in plain view at all customer entrances to the premises. Such notice shall not be concealed or removed. Removal shall be only at the direction of the Department. It shall be unlawful to operate any food facility with a suspension permit.

B. The suspension shall not become effective until written notice of the proposed suspension has been served in the following manner:

1. By handing a copy to the Person in Charge; or
2. By sending a copy to the permit holder's last known address by regular mail; or
3. By posting a copy in a conspicuous place in or about the facility.

C. Upon suspension of a food permit, the Department shall immediately post a "Closed by Order of the Allegheny County Health Department" placard in plain view at all patron entrances to the premises. Such notice shall not be concealed, altered or removed. Removal shall be only at the direction of the Department. It shall be unlawful to operate any food facility with a suspended food permit.

SECTION 345. Reinstatement of a Health Permit

~~A-D~~. A **food** permit which has been suspended shall be reinstated if the person whose **food** permit has been suspended completes the corrective action as required by the ~~Director~~ **and provides the Food Safety Program with a written request for an inspection**. The **food** permit may only be reinstated following a **Food Safety Program** inspection of the premises and written approval by the ~~Director~~ **Department**.

B. If a food facility fails to meet the requirements for the initial food permit reinstatement, all subsequent food permit reinstatement

inspections shall be conducted at the owner's expense according to the fee schedule.

SECTION 346. 337.3 Variances

The Director, **the Deputy Director which oversees the Food Safety Program, or the Manager of the Food Safety Program** may grant variance or conditional variance from any of the requirements of this regulation if the Director **Department** so determines that the granting of such **the** variance poses no real or potential hazard to the health, safety, or welfare of the public. **Variance requests must be made in writing by the permit holder, be approved prior to implementation, and at a minimum include the following:**

- 1. The section of this Article or the MFC that the requested variance applies;**
- 2. A statement that defines what the request is for, such as, but not limited to, a process or non-conforming use of the food facility or equipment;**
- 3. Rationale for how the potential public health hazards or nuisances addressed by the relevant sections will be alternatively addressed by the request; and**
- 4. A statement that defines the reason for the variance, showing that the need for a variance is not the consequence of a self-created hardship.**

SECTION 347 337.4 Penalties

A B. Misdemeanors. -Any person who violates any of the provisions of this **A**rticle or any rule or regulation of the ~~County~~ Department of Health, or who interferes with a Health **the** Director or any other agent of the Department of Health in the discharge of his/her **their** official duties, convicted of a second or subsequent offense, shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or to undergo imprisonment not exceeding one (1) year, or both.

B A. Summary Offenses. -Any person who violates any of the provisions of this **A**rticle or any rule or regulation of the ~~Allegheny County~~ Department of Health, or who interferes with the Director or any other agent of the Department of Health in the discharge of his/her **their** official duties, shall, for the first offense, upon conviction thereof in a summary proceeding before any alderman or justice of the peace of Allegheny County, or before any police magistrate if such offense be committed in a city of the second class, be sentenced to pay the costs of prosecution and a fine of not less than thirty dollars (\$30.00) nor more than three hundred dollars (\$300.00) and, in default thereof, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days.

C D. Civil Penalties. -Any person who violates any of the provisions of this **A**rticle or any rule or regulation of the ~~Allegheny County~~ Department of

Health, **or who interferes with the Department in the discharge of their official duties** may be assessed a civil penalty imposed by the Director, **Deputy Director, the Food Safety Program Manager, or their respective designee** pursuant to Article XVI - "Environmental Health Civil Penalties".

D €. Separate Offenses. -For the purpose of this section, violations on separate days shall be considered separate offenses. Each violation of any separate subsection or section of this Article shall constitute a separate offense.

E. In determining the amount of penalties to be assessed, the Department shall consider the economic benefit gained by such person by failing to comply with the Article, the willfulness of the violation, the actual and potential harm to the public health, safety and welfare and to the environment, the nature, frequency and magnitude of the violation, and any other relevant factors.

SECTION 348 337.5- Hearings and Appeals

Article XI, "Hearings and Appeals", provides for the right to a hearing if aggrieved by any order issued by the DEPARTMENT. All appeals must be filled in accordance with Article XI, section **§ 1104**. A request for hearing must be made in writing and file with the Department within ten (10) days upon receipt of an order. **The Notice of Appeal shall be filed no later than thirty (30) days after receipt of written notice or issuance of the action by which the Appellant is aggrieved. The notice of appeal must be filed no later than 4:00 p.m. Eastern Time on the thirtieth (30th) day after written notice or issuance of the action.**

SECTION 349 337.6 Allegheny County Food Safety Fund

A. The purpose of **the** Allegheny County Food Safety Fund is to support activities related to the improvement of food safety within Allegheny County, **and to The fund is intended** to support activities which **that** will increase or improve knowledge of food safety, **as it relates related** to foodborne illness and its control, **so as to benefit public health.**

B. Disposition of monies **Funds** Collected. All funds received by the County as a result of **including, but not limited to,** reinspections, owner requested inspections, consent orders, consent decrees, or civil penalties relating to actions taken by the Department regarding food safety shall be paid into a special fund known as the Allegheny County Food Safety Fund which is hereby established.

1. This fund shall be administered in accordance with the provisions of the Second-Class County Charter Law and other applicable laws. The County Treasurer shall invest monies **funds** deposited in the Fund and in such manner as not to impair the liquidity of the Fund and shall credit all interest accruing on such monies to the Fund.

2. The Director shall report on the status of the Fund to the Board of Health on a semiannual basis, or at such other intervals as the Board may require.

3. Audits of the Fund shall be performed as required by law.

C. Disbursements. Disbursements of monies **funds** from the Allegheny County Food Safety Fund shall be utilized solely to cover any and all reasonable (direct and indirect) costs incurred by the county and required to develop and administer the County's Food Safety Program. No food facility, which is subject to the provisions of this Article, shall receive monies from the Fund under this section, or services, equipment, or materials purchased with such monies, to fulfill its obligations under this Article, except for Department facilities supporting the Food Safety Program. The Allegheny County Board of Health shall have the sole discretion and authority to make disbursements from this fund as it sees fit from time to time.

D. At no time for any purpose shall monies **funds** be disbursed or borrowed from the Allegheny Food Safety Fund, or otherwise distributed or encumbered, except as specifically allowed under this section.

SECTION 350. Food Safety Advisory Committee

There is hereby established a Food Safety Advisory Committee which may recommend to the Board of Health additions and changes to this Article and advise the Department and the Board of Health on matters relative to food safety which are brought to its attention by any person.

A. Membership:

1. Members shall be appointed by the Director and shall serve a term of no more than three (3) years. Those members whose terms have expired may serve an additional two (2) years if approved by the Board of Health.

2. The Food Safety Advisory Committee shall consist of an odd number of appointees of at least 9 and up to 17 individuals.

3. Advisory Committee members shall be residents of Allegheny County and shall consist of a balance of representatives of industry, academia, small business, and general citizenry, who maintain credentials in, or experience in, or knowledge of the field of food safety.

4. The Director, Deputy Director, and Food Safety Program Manager shall be nonvoting ex-officio members of the Committee.

5. The Advisory Committee shall elect from its members a Chair and a Vice Chair of the Committee. The election shall be for one (1) year terms and held at the first meeting after September 1 of each year.

6. If a member is not in attendance at more than 3 (three) out of any five (5) consecutive meetings, they will be notified by the Department that their membership has been forfeited. A

member may petition the Director for reinstatement at the next Advisory Committee meeting.

B. Procedures:

1. The Advisory Committee shall meet at the call of the Chair, the request of the Director, the Board of Health, or upon the written request of any three (3) members of the Advisory Committee.

2. Each year the Advisory Committee shall adopt such procedures and provisions as are necessary to conduct its business.

3. A quorum, which shall consist of no less than a majority of voting members, shall be required to conduct the business of the Advisory Committee.

4. The Advisory Committee shall comply with the PA Sunshine Act and all other applicable Local, State, and Federal laws as required.

Section 351 337.7 Unconstitutionality Clause

Should any section, paragraph, sentence, clause, or phrase of these Rules and Regulations be declared unconstitutional or invalid for any reason, the remainder of said Rules and Regulations shall not be affected thereby.

SECTION 352 338. DEFINITIONS

The following definitions shall apply in the interpretation and application of this Article:

ACHD—The Allegheny County Health Department

Additive –

a) "Food additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(s) and 21 CFR 170.3(e)(1).

b) "Color additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.3(f).

Adulterated – Food when one or more of the following is accurate:

a) The food bears or contains any poisonous or deleterious substance, which may render it injurious to health. However, if the substance is not an added substance, the food will not be considered adulterated if the quantity of the substance in the food does not ordinarily render it injurious to health.

b) The food bears or contains any added poisonous or added deleterious substance, which is unsafe within the meaning of § 11 of the Food Act (31 P. S. § 20.11). This subparagraph does not apply to a pesticide chemical in or on a raw agricultural commodity, a food additive or a color additive.

c) The food is a raw agricultural commodity and bears or contains a pesticide chemical which is unsafe within the meaning of § 11 of the Food Act, except that, when a pesticide chemical has been used in or on a raw agricultural

commodity with an exception granted or tolerance prescribed under § 11 of the Food Act or under any of the Federal acts and the raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating or milling, the residue of the pesticide remaining in or on the processed food will, notwithstanding § 11 of the Food Act and this subparagraph, not be deemed unsafe if the residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of the residue in the processed food when ready-to-eat is not greater than the tolerance prescribed for the raw agricultural commodity.

- d) The food bears or contains any food additive, which is unsafe within the meaning of § 11 of the Food Act or any of the Federal acts.**
- e) The food consists in whole or in part of any diseased, contaminated, filthy, putrid or decomposed substance or is otherwise unfit for food.**
- f) The food has been produced, prepared, packed or held under unsanitary conditions so that it may have become contaminated with filth or may have been rendered diseased, unwholesome or injurious to health.**
- g) The food is, in whole or part, the product of a diseased animal or of an animal which has died in a manner other than by slaughter.**
- h) The food is in a container composed, in whole or part, of any poisonous or deleterious substance which may render the contents injurious to health. However, the container is permissible for use if it is fabricated or manufactured with good manufacturing practices as that standard is defined and delineated by any of the Federal acts and their regulations.**
- i) The food has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption under § 11 of the Food Act or under one of the Federal acts.**
- j) The food has had any valuable constituent, in whole or part, omitted or abstracted therefrom.**
- k) The food has had any substance substituted wholly or in part.**
- l) Damage or inferiority of the food is concealed in any manner.**
- m) A substance has been added to the food and it is mixed or packed so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is.**
- n) The food bears or contains any color additive which is unsafe within the meaning of § 11 of the Food Act or under one of the Federal acts.**
- o) The food bears or contains eggs processed by or egg products derived from a manufacturing, processing or preparing method wherein whole eggs are broken using a centrifuge-type egg breaking machine that separates the egg's liquid interior from the shell.**

Approved—in conformance with appropriate standards and good public health practice as determined by the Director.

Asymptomatic – without obvious symptoms; not showing or producing indications of a disease or other medical condition. Asymptomatic includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

A_w – A symbol for water activity.

Balut - An embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

Beverage – A liquid for drinking, including water.

Bulk food - processed or unprocessed food in aggregate containers from which quantities desired, **including** by the consumer, are withdrawn.

Caterer - defined as any person who primarily provides food for service off the permitted premises.

Certified Food Protection Manager (CFPM) - an individual who has demonstrated proficiency of required information through passing a test that is part of an accredited program that is evaluated and listed by the Conference for Food Protection as conforming to the Conference for Food Protection Standards for accreditation of Food Protection Manager Certification Programs.

CFR – The most-recently published edition or revision of the *Code of Federal Regulations*, a compilation of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the Federal government.

Cleaned in place (CIP) –

- a) **Cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.**
- b) **The term does not include the cleaning of equipment such as band saws, slicers or mixers that are subjected to in-place manual cleaning without the use of a CIP system.**

Commingle - To combine shellstock harvested on different days or from different growing areas as identified on the tag or label, or to combine shucked shellfish from containers with different container codes or different shucking dates.

Comminuted - A food that is reduced in size by methods including chopping, flaking, grinding or mincing. The term includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

Commissary - A catering facility, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored. **A distribution facility or service area where food is prepared, stored or from which it is supplied to a mobile or other retail food facility.**

Confirmed disease outbreak – a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.

Consumer – A person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food

facility or food processing plant, and does not offer the food for resale.

Corrosion-resistant material - A material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions and other conditions of the use environment.

Critical control point (CCP) - A point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

Critical limit - The maximum or minimum value to which a physical, biological or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

Dealer - a person who is authorized by a shellfish control authority for the activities of shellstock shipper, shucker-packer, repacker, reshipper of depuration processor of molluscan shellfish according to the provisions of the National Shellfish Sanitation Program.

Department - the Allegheny County Health Department.

Director - the Director of the Allegheny County Health Department or his their designate.

Disclosure - a written statement that clearly identifies the animal-derived foods or ingredients which are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens.

Drinking water- See Potable water.

Easily cleanable - that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

a) A characteristic of a surface that:

- 1) Allows effective removal of soil by normal cleaning methods.**
- 2) Is dependent on the material, design, construction and installation of the surface.**
- 3) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose and use.**

b) The term includes a tiered application of the criteria that qualify the surface as easily cleanable as specified in subsection (a) to different situations in which varying degrees of cleanability are required, such as one of the following:

- 1) The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or**
- 2) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.**

E-cigarette—any electronic oral device, such as one composed of a heating element, battery or electronic circuit, which provides a vapor of nicotine or any other substances and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed,

marketed or sold as an e-cigarette, e-cigar or e-pipe or under any other product name or descriptor.

Egg – The shell egg of the avian species such as chicken, turkey, duck, goose, guinea, quail, or ratite. Egg does not include balut, or the egg of a reptile species such as alligator.

Electronic cigarette device – any electronic oral device, such as one composed of a heating element, battery or electronic circuit, which provides a vapor of nicotine or any other substances and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar or e-pipe or under any other product name or descriptor.

Employee—any person working in a food facility.

Equipment – **articles that are used in the operation of a food facility such as stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, temperature measuring devices for ambient air, vending machines** and similar items other than utensils. used in the operation of a food service facility.

Extensively remodeled - whenever an existing structure is converted for use as a food facility; any structural or significant equipment additions or alterations to the existing food facility; changes, modifications and extensions of plumbing systems, excluding routine maintenance.

Farmer(s) Market – A location where primarily regionally produced agricultural products are sold directly to the public by two or more farmers and/or producers in a fixed location and on a pre-determined schedule.

Fish – Fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber and sea urchin, and the roe of such animals), and all mollusks, if such animal life is intended for human consumption. The term includes an edible food product derived in whole or in part from fish, including fish that have been processed in any manner.

Flea Market – a retail location where vendors primarily re-sale goods or sell home-made crafts to the public, may be operated seasonally or yearly.

Food - any raw, cooked, or processed edible substance; ice; beverage; or any ingredient used or intended for use or for sale, in whole or in part, for human consumption.

Food allergen – see Major Food Allergen.

Food additive— any substance added directly or indirectly to food.

Foodborne disease outbreak – the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.

Food-contact surface - those surfaces of equipment and utensils with which food normally comes in contact; and those surfaces from which food may drain, drip, or splash back **into food or** onto surfaces normally in contact with food.

Food facility - any **operation** place, permanent, **commissary, seasonal** or temporary **facility**, where food is prepared, handled, served, sold, or **stored, or otherwise provides food for human consumption** provided to the consumer. **A food facility does not include:**

- a) **A seasonal produce stand that only offers whole, uncut fresh fruits and vegetables;**

- b) A farm that provides unprocessed non-TCS foods to the public;
- c) A kitchen in a private home that prepares food that is not TCS for SALE or service at a function such as a religious or charitable organization's bake sale;
- d) A kitchen in a private home, such as a small family day-care provider or bed and breakfast that prepares and offers food to guests if the home is owner-occupied and the facility is not a boarding home;
- e) A private home that received catered or home-delivered food; or

Food permit – The document issued by the Allegheny County Health Department that authorizes a person or entity to operate a food facility.

Food preparation - thawing, cooking, cooling, heating, reheating, putting together, cutting, slicing, dividing, mixing, portioning, or packaging food for a consumer, except that trimming or cleaning of whole vegetables or fruits for display and sale shall not be considered food preparation.

Food processor – **Any person or facility that produces, prepares, packages, holds food for wholesale distribution to other business entities, and does not primarily provide food directly to the consumer.** shall include any regulated food facility that produces food for wholesale or retail sale.

Food Safety Program – The unit within the Department that inspects food facilities, conducts plan review for compliance with this Article, or is responsible for directing or supervising those responsible for conducting inspections or plan review, the term does not include contracted or temporary employees of the Department.

Foot candle – A unit of illumination equal to that given by a source of one candela at a distance of one foot (equivalent to one lumen per square foot, or 10.764 lux).

Food worker – any person working in a food facility.

Game animal–

- a) The term includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria or muskrat, and non-aquatic reptiles such as land snakes.
- b) An animal, the products of which are food, that is not classified as any of the following:
 - 1) Fish;
 - 2) Cattle, sheep, swine, goat, horse, mule or other equine, as those terms are used in 9 CFR Chapter III, Subchapter A (relating to agency organization and terminology; mandatory meat and POULTRY products inspection and voluntary inspection and certification);
 - 3) POULTRY, as that term is used in 9 CFR Chapter III, Subchapter A.;
 - 4) Ratites, such as ostriches, emus or rheas.

HACCP – see Hazard Analysis Critical Control Point.

HACCP plan – A written document that delineates the formal procedures for following the HACCP principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

Hazard – A biological, chemical, or physical property that may cause an unacceptable consumer health RISK.

Hazard Analysis Critical Control Point (HACCP)– **A system developed by the National Advisory Committee on Microbiological Criteria for Foods that identifies and monitors specific foodborne hazards that can adversely affect the safety of the food products;** a method used to

reduce the RISK of foodborne illness by:

- a) Identifying hazards of high risk foods;
- b) Assessing the **significant** hazards posed by each preparation step;
- c) Determining the critical points for controlling hazards;
- d) Monitoring a critical control point or points; and
- e) Implementing immediate and appropriate corrective action when control criteria are not met;
- f) Verifying that the system is working;
- g) Keeping records; and
- h) Training staff.

Hermetically sealed container - An airtight container which is designed and intended to be secure against the entry of microorganisms and, **in the case of low acid foods,** to maintain the commercial sterility of its contents after processing.

High risk violation– see **Risk Factor**

Highly Susceptible Population - a group of persons who are more likely than other populations to experience foodborne disease because

- a) they are immunocompromised **persons, pre-school age children,** or older adults; and
- b) in a facility that provides health care; or assisted living **or custodial care; health care; nutritional or socialization** services; such as a hospital, or nursing home, **or** preschool-age children in a facility that provides or custodial care, such as a day care center.

Honestly presented– **Food offered for human consumption in a way that does not mislead or misinform the consumer, and without misrepresenting the true appearance, color or quality of the food through the use of food or color additives, colored overwraps, lighting or other means.**

Imminent health hazard – **A significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries, and the nature, severity, and duration of the anticipated injury.**

Injected – **manipulating meat by introducing a solution into its interior by processes that are referred to as “injecting”, “pump marinating”, or “stitch pumping”.**

Juice – **the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. The term does not include those that are not used as beverages or ingredients of beverages.**

Law—includes Federal, State, and local statutes, ordinances, and regulations.

Leafy greens – **Fresh leafy greens whose leaves once cut, shredded, sliced, chopped, or torn must be time/temperature controlled for safety. The term includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard. The term does not include herbs such as cilantro or parsley.**

Limited Food Establishment - a residential style kitchen that may not meet the full regulatory code requirements, that is permitted or registered by the Department or the PA Department of Agriculture, and produces only non-TCS food items.

Major Food Allergen - any of the following:

- a) **Milk, egg, fish (e.g., bass, flounder, or cod), Crustacean shellfish (e.g., crab, lobster, or shrimp), tree nuts (e.g., almonds, pecans, or walnuts), wheat, peanuts, sesame, and soybeans; and**
- b) **A food ingredient that contains protein derived from a food specified as a major food allergen**

Meal - food sufficient to constitute breakfast, lunch, or dinner; it shall not mean a snack, such as pretzels, popcorn, chips or similar food.

Mechanically tenderized -

- a) **Manipulating meat with deep penetration by processes which may be referred to as "blade tenderizing", "jaccarding," "pinning", "needling", or using blades, pins, needles or any mechanical device**
- b) **The term does not include processes by which solutions are INJECTED into meat.**

mg/L - Milligrams per liter, which is the metric equivalent of parts per million.

Mobile food unit facility - a self-contained, limited service food facility which is a mechanically, electrically, manually, or otherwise propelled vehicle operating on land or water, **and that routinely reports to a permitted commissary.**

Model Food Code (MFC)- The most current edition of the Food Code published by the Department of Health and Human Services, Food and Drug Administration as adopted by the Commonwealth of PA in 7 Pa. Code § 47 as the Food Code.

Medium Risk Factors or Violations- see Risk Factor

Modified Atmosphere Packaging - a process that completely encases food in an impermeable or partially permeable membrane, with either a partial or complete vacuum; or a gas or mixture of gases surrounding the food. Hermetically sealed containers are not considered to be modified atmosphere packaging.

- a) **A type of reduced oxygen packaging in which the atmosphere of a package of food is modified so that its composition is different from air, but the atmosphere may change over time due to the permeability of the packaging material, or the respiration of the food.**
- b) **The term includes reduction in the proportion of oxygen, total replacement of oxygen or an increase in the proportion of other gases such as carbon dioxide or nitrogen.**

Molluscan shellfish - an edible species of fresh or frozen oysters, clams, mussels and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

Non-continuous cooking -

- a) **The cooking of food in a food facility using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for a complete cooking at a later time prior to SALE or service.**
- b) **The term does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.**

Non-critical violation– see Risk Factor

Operator – the person or entity that is legally responsible for the operation of a business regulated under this article, also known as the vendor.

Packaged - bottled, canned, cartoned, bagged, or **otherwise** securely wrapped.

Pasteurization – Partial sterilization of a substance at a temperature and for a period of exposure that destroys objectionable organisms without major chemical alteration of the substance.

Permit holder – The entity that:

- a) **Is legally responsible for the operation of the food facility, such as the owner, the owner’s agent, or other person; and**
- b) **Possesses a valid food permit to operate a food facility.**

Person— includes any individual, partnership, municipality, authority, corporation, association, or other legal entity.

Person in Charge- the individual present in a food service facility who is **responsible for the operation** the apparent supervisor of that facility at the time of inspection. If no individual identifies himself **themselves** as the supervisor **Person in Charge**, then any employee **food worker** present may be deemed the Person in Charge by the Department.

Personal care items –

- a) **Items or substances that may be poisonous, toxic or a source of contamination and are used to maintain or enhance a person’s health, hygiene or appearance.**
- b) **The term includes items such as medicines, first aid supplies, cosmetics, toiletries and similar items.**

pH - the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.

Poisonous or toxic material – substances that are not intended for ingestion and are included in 4 categories:

- a) **Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes and other chemicals;**
- b) **Pesticides, except sanitizers which include substances such as insecticides and rodenticides;**
- c) **Substances necessary for the operation and maintenance of the facility such as nonfood grade lubricants and personal care items that may be deleterious to health; and**
- d) **Substances that are not necessary for the operation and maintenance of the facility and are on the premises for retail sale, such as petroleum products and paints.**

Potable water - water obtained from a source meeting the requirements of the State and Federal Safe Drinking Water Acts. **The term does not include water that is not potable, such as boiler water, mop water, rainwater, wastewater, and “non-drinking” water.**

Potentially Hazardous Food - see Time and Temperature Controlled For Safety Food any food or food ingredient, natural or synthetic, in a form capable of supporting (1) the rapid and progressive growth of infectious or toxigenic microorganisms or (2) the slower growth of *C. botulinum*. A food is potentially hazardous if it is:

- a) ~~Of animal origin and is raw or has been heat treated, or~~
- b) ~~Of plant origin and has been heat treated or is raw seed sprouts, or~~

~~e) Determined to be potentially hazardous by the U.S. Food and Drug Administration.~~

~~Exceptions to these categories are:~~

- ~~a) Foods with a water activity (Aw) value of 0.85 or less, or~~
- ~~b) Foods with a hydrogen ion concentration (pH) level of 4.6 or below, or~~
- ~~c) Foods which have been adequately commercially processed and remain in their unopened hermetically sealed container; or,~~
- ~~d) Foods for which laboratory evidence (acceptable to the U.S. Food and Drug Administration) demonstrates that rapid and progressive growth of infectious or toxigenic microorganisms or slower growth of C. botulinum cannot occur and complies with the above.~~

Poultry –

- a) Any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs), whether live or dead, as defined in 9 CFR 381.1 (Poultry Products Inspection Regulations Definitions, Poultry); and**
- b) Any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in 9 CFR 362.1 (Voluntary Poultry Inspection Regulations, Definitions).**

Premises – The physical facility, its contents and the contiguous land or property under the control of the food facility operator. If a food facility is a component of a larger operation, such as a hotel, motel, shopping mall or public campground, and that larger operation is also under the control of the food facility operator, that larger operation is part of the food facility premises to the extent it may impact the food facility, its personnel or its operations.

Pre-packaged food – Food received at the food facility, and then distributed or sold as packaged by the manufacturer.

Preparation – the action or process of modifying food differing from the original condition in which it was received, this does not include opening packages of raw meats, or processing primal cuts.

Primal cut – A basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank or veal breast.

Primary permit holder - The entity that is legally responsible for the operation of the food facility such as the owner, the owner's agent, or other person and has the ability to enter into legal agreements authorizing the use of their facility to other entities.

Public Service Food Establishments (PSFE) – shall include food establishments serving or operating in schools, hospitals, governments, or any benevolent, educational, philanthropic, humane, patriotic, religious, scientific or any organization of, relating to, or supported by charity. Such designation shall include limited preparation kitchens defined as facilities that store and handle for sale or distribution of precooked food or food prepared at another location, and; fee exempt facilities which are either all volunteer not for profit group facilities or schools (grades one through twelve), but excluding hospitals and government agencies, shall be defined as fee exempt. Nursing Home, Personal Care Boarding Homes and Daycare facilities shall be included in this category.

Ratite – a flightless bird such as an ostrich, emu and rhea.

Ready-to-eat food – Any of the following types of food:

- a) Food in a form that is edible without additional preparation to achieve food safety;
- b) Animal-derived food that is raw or partially cooked for which there is a Consumer Advisory;
- c) Food that is prepared in accordance with a variance issued by the Department;
- d) Food that may receive additional preparation for palatability or aesthetic, epicurean, gastronomic or culinary purposes;
- e) Raw animal-derived food that is cooked;
- f) Raw fruits and vegetables that are washed;
- g) Fruits and vegetables that are cooked for hot-holding;
- h) TCS food that is cooked and cooled;
- i) Plant food for which further washing, cooking or other processing is not required for food safety, and from which rinds, peels, husks or shells are removed;
- j) Substances derived from plants, such as spices, seasonings and sugar;
- k) A bakery item, to include icings and fillings, for which further cooking is not required for food safety;
- l) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages; salt-cured meat and poultry products; and dried meat and poultry products; and
- m) Food that is manufactured according to 21 CFR Part 113 (Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers).

Reduced oxygen packaging – see Modified Atmosphere Packaging.

Refuse – Solid waste not carried by water through the sewage system.

Regulatory authority - the Federal, State, or local enforcement authority or authorities having jurisdiction over the food facility.

Reinspection – A subsequent inspection that is conducted as a follow-up to conditions identified in a food facility in order to determine compliance with the Department rules and regulations governing “Food Safety”.

Reminder – a written statement concerning the health risk of consuming animal-derived foods which are raw, undercooked, or without otherwise being processed to eliminate pathogens.

Responsible party - the person or entity that is legally responsible for the operation of a business regulated under this article or the planning and coordination for a temporary event where temporary or seasonal food facilities operate.

Re-service – the transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.

Restaurant - **A facility where food or drink is dispensed or prepared primarily for immediate consumption. This category shall include restaurant, coffee shop, cafeteria, short order café, luncheonette, tavern, sandwich stand, soda fountain, snack bar and all other eating and drinking establishments, as well as kitchen or other place in which food or drink is dispensed or prepared for sale elsewhere.**

Restricted use pesticide – a pesticide product that contains the active ingredients specified in 40 CFR 152.175 (Pesticides classified for restricted use), and that is limited to use by or under the direct supervision of a certified applicator.

*Retail **food facility Establishment** – **Any facility** shall include any establishment or section of an establishment **a facility** where food and food products are offered to the consumer **directly or indirectly** and intended for off-premise consumption. This definition shall include mobile food units.*

Risk – the likelihood that an adverse health effect will occur within a population as a result of a hazard.

Risk Factor– Improper or unsafe practices, procedures, or conditions identified as the most prevalent contributing factor of food borne illness or injury. For the purpose of prioritization of intervention, risk factors are designated as *high, medium* or *low*:

- a) **High – practices and procedures, or violations of Article III, that pose a higher risk for the transmission of foodborne illness. These violations require immediate attention for corrective action, or suitable alternative intervention, to diminish risk until the violation can be corrected. A follow-up inspection, or reinspection, may be required to be conducted.**
- b) **Medium – practices and procedures, or violations of Article III, that pose a lower risk to the public health and safety. They may require immediate corrective action, but may not require a follow-up inspection.**
- c) **Low–conditions or violations that are not high risk. These violations may not require immediate correction, however, control of these conditions supports, facilitates or enables control of high and medium risk conditions.**

Routine Inspection – An inspection conducted to assess all physical areas, and food-related practices, functions and records of a food facility. Routine inspections are conducted on a regular schedule based upon assigned priority.

Sale – sell, for sale, or sold and similar terms meaning the selling, exchanging, delivering or having in possession, care, control or custody with intent to sell, exchange or deliver, or the offering or exposing for sale.

*Sanitization – **The application of cumulative effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.*** for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

Sealed – Free of cracks or other openings that allow the entry or passage of moisture.

Seasonal food ~~Stand~~ facility- a food facility that routinely operates for no more than six (6) consecutive months each year in association with **a seasonal event, such as, but not limited to** flea markets or farmers' markets.

Self-service - the practice of customers **patrons** dispensing their own food or beverages.

Self-service food facility – provides packaged foods or whole fruit using an automated payment system and has controlled entry not accessible by the general public; also known as an Unattended Food Facility. This definition does not include groups of 5 (five) or less vending machines that only provide non-TCS food items.

Service animal – an animal such as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

Service sink – A sink used for obtaining water for the purposes of cleaning, and for the disposal of mop water or other similar liquid waste.

Sewage – Liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

Shared kitchen - a commercial kitchen in which three or more food businesses or operations with different permit holders is using the same commercial kitchen facilities for the disposal of waste, storage or production of food or as an operational base, warewashing facility, or commissary.

Shell egg – The product of domesticated avian species, enclosed in a shell, to be used for human consumption.

Shellstock – raw, in-shell Molluscan shellfish.

Shucked shellfish – Molluscan shellfish that have one or both shells removed.

Single-service articles - items used by the retailer or consumer such as cups, containers, lids, and packaging materials, including bags and similar articles, intended for contact with food, and designed for one-time, **one person use, after which they are intended for discard.** The term does not include "single-use" articles. such as number 10 cans, aluminum pie pans, bread wrappers and similar articles used for packaging by the manufacturer.

Single-use articles –

- a) **Utensils and bulk food containers designed and constructed to be used once and discarded.**
- b) **The term includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans which do not meet the materials, durability, strength, and cleanability specifications for multi-use.**

Smooth -

(1) A food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel;

(2) A non-food-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and

(3) A floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

Sous vide packaging – A type of reduced oxygen packaging in which raw or partially cooked food is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

Sulfiting agent – A substance which imparts a residual of sulfur dioxide.

Tableware – see *Utensil*

Tamper evident - **having one or more indicators or barriers to entry which, if breached or missing, can reasonably be expected to provide visible evidence to consumers that tampering has occurred.**

Temporary event – **a public or social occasion which operates no more than 14 consecutive days where temporary food facilities operate.**

Temporary Food Facility stand - a food facility that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

Time and Temperature Control for Safety food (TCS food) -

- a) **A food that requires time/temperature control for safety (TCS food) to limit pathogenic microorganism growth or toxin formation.**
- b) **TCS food includes:**
 - 1) **An animal-derived food that is raw or heat-treated; a plant-derived food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes, or cut tomatoes or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation.**
 - 2) **Except as specified in subsection (c) (4) of this definition, a food that because of the interaction of its a_w and pH values is designated as Product Assessment required (PA) in Table A or B of this definition.**

INTERACTION OF pH and a_w FOR CONTROL OF SPORES IN FOOD:

Table A			
<u>Food that is heat-treated to destroy vegetative cells and subsequently packaged</u>			
<u>a_w values</u>	<u>pH values</u>		
	<u>4.6 or less</u>	<u>>4.6 - 5.6</u>	<u>>5.6</u>
<u>≤ 0.92</u>	<u>non-TCS*</u>	<u>non-TCS</u>	<u>non-TCS</u>
<u>>.092 - .95</u>	<u>non-TCS</u>	<u>non-TCS</u>	<u>PA***</u>
<u>$\geq .95$</u>	<u>non-TCS</u>	<u>PA</u>	<u>PA</u>
<u>* TCS means Time and Temperature Controlled for Safety Food</u>			
<u>***PA means Product Assessment required</u>			

Table B				
<u>Food that is <i>not</i> heat-treated, or heat treated but <i>not</i> packaged</u>				
<u>a_w values</u>	<u>pH values</u>			
	<u><4.2</u>	<u>4.2 - 4.6</u>	<u>>4.6 - 5.0</u>	<u>>5.0</u>
<u>≤ 0.88</u>	<u>non-TCS</u>	<u>non-TCS</u>	<u>non-TCS</u>	<u>non-TCS</u>

<u>0.88 – 0.90</u>	<u>non-TCS</u>	<u>non-TCS</u>	<u>non-TCS</u>	<u>PA***</u>
<u>>0.90 – 0.92</u>	<u>non-TCS</u>	<u>non-TCS</u>	<u>PA</u>	<u>PA</u>
<u>>0.92</u>	<u>non-TCS</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>
* <u>TCS means Time and Temperature Controlled for Safety Food</u>				
*** <u>PA means Product Assessment required</u>				

c) TCS food does not include:

- 1) An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable salmonellae;
- 2) A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;
- 3) A food that because of its pH or a_w value, or interaction of a_w and pH values, is designated as a non-TCS food in Table A or B of this definition;
- 4) A food that is designated as Product Assessment Required (PA) in Table A or B of this definition and has undergone a product assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is prevented due to:
 - a. Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients,
 - b. Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use, or
 - c. A combination of intrinsic and extrinsic factors; or
- d) A food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the subsections (c) (1)–(4) of this definition even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

Utensil – A food-contact any implement or container used in the storage, preparation, transportation, dispensing, sale or service of food. The term includes items such as the following:

- a) Kitchenware or tableware that is multi-use, single-service or single-use;
- b) Gloves used in contact with food;
- c) Food temperature measuring devices; and
- d) Probe-type price or identification tags used in contact with food.

Vacuum packaging – A type of reduced oxygen packaging in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package, such as sous vide.

Variance – a written document issued by the Department that authorizes a modification or waiver of one or more requirements of this Article.

Vending Machine - a self-service device that provides unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

Vendor – see Operator

Wholesale Food Establishments—shall include food facilities such as food storage and distribution, and cold food storage and distribution that do not primarily sell directly to the consumer.

Warehouse- An operation that stores or distributes food, including cold storage, and that does not primarily sell directly to the consumer.

Warewashing – The cleaning and sanitizing of utensils and food-contact surfaces of equipment.

Water activity (a_w) –A measure of the free moisture in a food, obtained by dividing the water vapor pressure of the substance by the vapor pressure of pure water at the same temperature.

Whole-muscle, intact beef – Whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

ALLEGHENY COUNTY HEALTH DEPARTMENT
RULES AND REGULATIONS
ARTICLE I – MERIT SYSTEM-PERSONNEL ADMINISTRATION

Additions are shown in **larger font, bolded,**
and underlined.

112. APPEALS

- A. Any permanent employee of the Allegheny County Health Department, except the Director, who is demoted, suspended, transferred, removed, or furloughed shall, within thirty (30) days after receiving written notice of such action, have the right of appeal in writing to the Pennsylvania State Civil Service Commission for a public hearing which shall be conducted in a manner prescribed by them.

Such hearing shall be held 60 days after receipt of the employee's appeal and the employee shall be notified of the date and place of the hearing in writing. The employee shall have the right to appear at such hearing with counsel. The Pennsylvania Civil Service Commission shall notify the employee and the Director in writing of its decision as soon as possible after conclusion of the hearing. Any employee aggrieved by any determination of the Pennsylvania State Civil Service Commission shall have the right of appeal to the Commonwealth Court, under the laws of the Commonwealth of Pennsylvania.

- B. All applicants and employees alleging discrimination shall have a right of appeal to an impartial body; the Pennsylvania State Civil Service Commission or the Pennsylvania Human Relations Commission when it has jurisdiction. Any adjudications issued by either body are appealable to the courts of the Commonwealth of Pennsylvania. The decision of the court will be binding.

- C. **For any permanent employee of the Allegheny County Health Department, except the Director, who is demoted, transferred or removed, or separated because of curtailment of work or lack of funds, who is seeking their right to appeal in the manner prescribed by and pursuant to 28 Pa. Code § 13.61, the Board of Health prescribes the following manner for a public hearing for the conduct of such an appeal:**

1. After receipt of an employee's written appeal, Allegheny County will retain the services of a neutral, third-party hearing officer to conduct the public hearing
2. Following the hearing, the hearing officer shall submit findings of fact and conclusions of law to the Board of Health
3. After receipt and consideration of the findings of fact and conclusions of law the Board of Health shall vote on the merits of the appeal.

RESOLUTION APPOINTING A HEARING OFFICER

WHEREAS, the Allegheny County Board of Health (“Board of Health”) has promulgated Article I: Merit System(Personnel Administration) to provide clear regulations for personnel matters, and;

WHEREAS, Article I: Merit System (Personnel Administration), as approved by the Board of Health, already provides Allegheny County Health Department (“Department”) employee with appeal processes to the Civil Service Commission and other entities like the Human Relations Commission for the review and consideration of disciplinary actions, and;

WHEREAS, the Commonwealth of Pennsylvania at 28 Pa. Code Section 13.61 has also promulgated regulations affording Department employees the right of appeal before the Board of Health in a manner “as prescribed by the Board of Health,” and;

WHEREAS, because there are no regulations reflecting the manner prescribed by the Board of Health for such public hearings, and;

WHEREAS, the Board of Health seeks to promulgate, as regulation, its prescription for the conduct of such public hearings so that all employees of the Allegheny County Health Department will have a regulatory reference by which they may exercise their employment appeal right, and;

WHEREAS, Employee #83396, a former Department employee, was terminated on July 16, 2021 and within thirty (30) days requested an appeal before the Board of Health in a manner consistent with Commonwealth of Pennsylvania at 28 Pa. Code Section 13.61, and;

WHEREAS, the Board of Health seeks to apply the same process as contained in the proposed revisions to Article I: Merit System (Personnel Administration),

NOW, THEREFORE, BE IT RESOLVED that the Board of Health does hereby request that Allegheny County retain the services of a neutral, third-party hearing officer to conduct a public hearing and produce findings of fact and conclusions of law and;

BE IT FURTHER RESOLVED that after receipt and consideration of the findings of fact and conclusions of law the Board of Health shall vote on the merits of Employee #83396's appeal.

PA CleanWays of Allegheny County, Inc.
Environmental Health Fund
August 16, 2021

Allegheny County Health Fund Application

PA CleanWays of Allegheny County, Inc. (dba Allegheny CleanWays)
Myrna Newman
2801 N. Charles St.
Pittsburgh, PA 15214
412-381-1301
myrna@alleghenycleanways.org

Funding Request:

\$30,000 for Cleanup of Illegal Dumpsites

Project Description: *Please provide a brief description of the candidate project or program. If you need additional space, use and attach as many "Additional Information" forms as needed.*

Allegheny CleanWays is asking for funding to clean up illegal dump sites in three main municipalities – McKeesport, Penn Hills, and Braddock.

In 2016, through funding from the Environmental Health Fund, we completed a [survey and assessment of illegal dumping in Allegheny County](#). Our findings identified 486 illegal dump sites in the 70 Allegheny County municipalities (not counting the City of Pittsburgh). Half of all the illegal dumpsites were found in just eight municipalities. The size of the sites varied from just a couple hundred pounds to a couple hundred tons, but an overwhelming majority of the sites (92%) were under five tons. The three most commonly found items at the dump sites were tires, household items (e.g. toys, clothing, furniture, lamps, etc.), and construction/demolition debris. Tires, the single-most discarded item that was found, act as excellent breeding grounds for mosquitoes. One tire can become a nursery for thousands of mosquitoes. As mosquito-borne illnesses like West Nile and Zika become more serious concerns for our region, unmanaged mosquito incubation sites such as tires and other dumped items able to collect standing water could pose significant health risks. These risks are compounded by the fact that the many of the highest concentrations of illegally dumped tires are found in neighborhoods which bear a larger proportion of environmental risk factors (i.e. score high on the SocioNeeds Index used by the health department –1 being low need and 5 high need).

8 Municipalities that contain ½ of all sites	# of Sites	Estimated Tonnage	Estimated # of Tires	Socio Needs Index Score
McKeesport	48	221.2	4,780	5
Penn Hills	43	73.8	1,365	3
Wilkinsburg	36	73.7	1,158	4/5
Braddock	32	115.4	2,805	5
Forward	28	35.2	532	0
Duquesne	20	30.2	148	5
North Braddock	18	31	372	5
Clairton	15	17.4	330	3
	240			

As we compiled results from each municipality, we shared the information with them along with recommendations that would help reduce illegal dumping in their communities. We also offered to meet and discuss options for remediating and/or preventing illegal dumping. Several of the communities did request guidance and a few, including McKeesport, Penn Hills, and Braddock, requested assistance in cleaning up the dumping. With funding from local foundations, we have been able to begin cleaning up illegal dumping in McKeesport and Penn Hills. We're hoping to begin in Braddock in the coming year.

The work Allegheny CleanWays does to remove debris from the region's alleyways, hillsides, open lots, and greenways is the first crucial step to full restoration. Keeping it clean is the second, more difficult, step. While it is impossible to ensure that sites stay clean, there are several things that we do to help reduce the likelihood of re-dumping, including:

- a. Work with the municipality to address larger issues and create plans for prevention and/or stewardship. One of the reasons we are working in McKeesport is because our work fits into their larger blight remediation efforts. We've been coordinating closely with them to clean up areas where they are doing additional work that will reduce the likelihood of re-dumping such as demolishing abandoned buildings; enforcing code violations; and completing renewal/beautification projects. The city manager and code enforcer regularly volunteer with us as well. We also suggest short-term fixes such as blocking access with jersey barriers or fencing; boarding up abandoned properties; and maintaining public lots (i.e. mowing the lots regularly to prevent the space from appearing neglected).
- b. Eliminate all known dumpsites - particularly large and/or historic (i.e. old) sites - provides the community a clean slate from which to move forward. It's a lot easier for public works crews to address re-dumping incidents when the dumping is new or small and there isn't a whole city's worth of similar sites. Community volunteers are also better able to stay on top of litter and dumping when there is a clean slate to start from.
- c. Help the municipality to borrow, get granted, or purchase surveillance cameras (through Keep PA Beautiful or other resource) to catch dumpers.
- d. Work with other non-profits such as Grounded Strategies, Landforce, Grow Pittsburgh, etc. to work with the community on a broader restoration goal for the site such a trail or garden - a sort of passing of the baton to the next runner. In fact, we are currently exploring a strategic alliance with 4 organizations to enhance, amplify, and streamline our collective impact in communities we serve.
- e. Work with other non-profits to educate the public (including elected officials) about the issues so that long-term solutions (such as policy and procedural changes) can be found.
- f. Encourage community involvement by engaging them in the whole process - everything from identifying and cleaning up the sites to calling 911 if they witness active dumping, and reporting new dumpsites to the municipality.

PA CleanWays of Allegheny County, Inc.
Environmental Health Fund
August 16, 2021

Quantifiable Results: *Please describe how the success of this project or program will be measured. Attach any documentation of calculated pollutant reductions expected, health benefits, and/or other metrics that will be used to measure outcomes and evaluate success.*

We will measure our success by the amount of illegally discarded trash removed from Allegheny County. Our goal is to remove 100 tons and 3,000 tires in the next year.

Illegal dumping degrades communities and the quality of life of the people living in those communities. It also creates potential health risks. People, especially children, are likely to be injured by hazardous materials like broken glass, twisted metal, or syringes while exploring dumpsites. Piles of debris can attract, feed, and shelter disease-carrying rodents and other pests. Nearly perfect mosquito breeding conditions are created when materials such as tires are allowed to collect standing water, increasing the chance of spreading mosquito-borne illnesses such as West Nile and Zika viruses. Large tire piles are also possible fire risks. The toxic smoke and residue emitted by a tire fire has clear potential health impacts to anyone living downwind of the fire. Illegal dumping and litter also negatively influence mental health.

Among the many lessons of the Covid-19 pandemic, is the heightened awareness of the importance of clean, green, and safe public spaces; and that access to such space is not equitable throughout Allegheny County. Our goal is to help increase the amount of clean, green, safe open spaces in Allegheny County, particularly in communities that are burdened by multiple environmental risk factors.

Describe the project location and/or coverage area: *Please identify where this project or program will take place, and where improvements will be measured (if applicable).*

This project will take place primarily in McKeesport, Penn Hills, and Braddock. However, we will provide service, particularly concerning tire dump remediation, to any municipality in Allegheny County requesting assistance.

Have you been funded through the Environmental Health Fund in the past?

Yes – In 2016, we were granted up to \$38,611 “to undertake a comprehensive assessment of dump sites in Allegheny County” -Grant Agreement #193037

Proposed Budget for Dumpsite Cleanup Program				
Budget Period: October 1, 2021 to October 1, 2022				
PROGRAM EXPENSES				
PERSONNEL				
	Staff	Salary	FTE	Total
Executive Director		\$ 54,697	5%	\$ 2,735
Land-based Cleanup Coordinator		\$ 36,878	50%	\$ 18,439
DumpBuster Crew Member		\$ 15,808	50%	\$ 7,904
DumpBuster Crew Leader		\$ 8,976	90%	\$ 8,078
DumpBuster Crew Member		\$ 5,776	90%	\$ 5,198
Subtotal, Salaries				\$ 29,078
Fringe Benefits			20%	\$ 5,816
Total Personnel Expenses				\$ 34,893
OTHER THAN PERSONNEL SERVICES (OTPS)				
		Avg Rate/unit	Volume	Total
Disposal		\$50	100	\$ 5,000
Tire recycling		\$5	3000	\$ 15,000
Storage container for temporarily storing tire		\$3,000	1	\$ 3,000
Gas for trucks		\$3.29	500	\$ 1,645
Tools and Supplies				\$ 2,000
Volunteer Support				\$ 1,600
Safety and other Equipment				\$ 1,200
Total OTPS				\$ 28,245
Subtotal, Annual Direct Expenses				\$ 63,138
Admin Costs (10% of annual direct expenses)			10%	\$ 6,314
Total Program Expenses				\$ 69,452
PROPOSED REVENUE SOURCES				
Allegheny Health Fund	Pending			\$ 30,000
PNC Charitable Trusts	Pending			\$ 10,000
RK Mellon Foundation	Pending			\$ 5,000
Colcom Foundation	Secured			\$ 5,000
Jefferson Regional Foundation	Pending			\$ 20,000
Individual Donations	Pending			\$ 2,000
Total Program Revenue, Community Litter Cleanup Program				\$ 72,000

Allegheny County Clean Air Fund Request Annual Transfer of 5% for Operating Expenses in 2021

Allegheny County Health Department Article XXI 2109.09.c.2, allows that “An amount, no greater than 5% of the balance of the Clean Air Fund on December 31 of the previous year, may be used to fund the normal operating costs of the County’s Air Quality Program.”

The Allegheny County Health Department requests the use of up to five percent (5%) of the Clean Air Funds available on December 31, 2020. On December 31, 2020, the ending balance of the Clean Air Funds was \$11,573,679. Five percent (5%) of that balance equal \$578,684.

Below are the actual operating expenses for the year 2020.

Summary Report

CAF 5% Transfer to Air Programs January 1, 2020 - December 31, 2020

	Category	Amount
57200	Equipment	\$9,362
54104	Books, Magazines, Newsletters	\$0
63004	Lab Services	\$7,773
62001/64000	ACHD Legal Support	\$205,060
63010	Services/Interns	\$257,061
55000	Materials	\$2,335
65502/65503	Printing & Advertising	\$3,874
56000	Repairs & Maintenance	\$0
63909	Computer Software/Licensing	\$14,301
54000	Supplies	\$46,301
62002/62003	Travel & Training	\$21,779
61000	Utilities	\$24,976
	Total 2020	\$592,822

Proposed change to Allegheny County Health Department Rules and Regulations, Article XXI, Air Pollution Control ---

**the revision of
§2105.13, “Gasoline Loading Facilities” and
§2105.14, “Gasoline Dispensing Facilities – Stage II Control”**

EXECUTIVE SUMMARY

Under the Clean Air Act, gasoline dispensing facilities in Allegheny County are equipped with equipment referred to as “Stage II Controls,” that prevent the escape of gasoline vapor to the atmosphere. In recent years, new automobiles are being manufactured with equipment called “Onboard Refueling Vapor Recover” (ORVR) systems that achieve the same result. However, the Stage II systems can be incompatible with the ORVR systems, resulting in an overall increase in polluting vapors being released to the atmosphere.

Section 202(a)(6) of the Clean Air Act (CAA) allows the EPA to revise or waive CAA §182(b)(3) Stage II requirements in moderate or above ozone nonattainment areas after EPA determines that Onboard Refueling Vapor Recovery (ORVR) is in widespread use.

That situation now exists. Use of ORVR is now so widespread that EPA has now waived the CAA Stage II requirements for moderate and worse nonattainment areas. These waivers enable states to repeal Stage II programs. In that regard, and at this time, the Pennsylvania Department of Environmental Protection is taking steps to remove most Stage II requirements from their regulations.

This Article XXI regulation revision will implement the same process of decommissioning Stage II requirements for gasoline dispensing facilities in Allegheny County.

The proposed revision was the subject of a public comment period from August 27 to September 27, 2021, and a public hearing on the last day of the comment period. No comments were received.

The ACHD request that the Board of Health grant final approval of the proposed revision.

Proposed change to Allegheny County Health Department Rules and Regulations, Article XXI, Air Pollution Control ---

**the revision of
§2105.90, “Gasoline Volatility” and
§2107.15, “Methods - Gasoline Volatility and RFG”**

EXECUTIVE SUMMARY

For many years, Article XXI included regulations that restricted the type of gasoline that could be sold in Allegheny County during the summer months. This gasoline was referred to as “Low Reid Vapor Pressure” or “Low RVP” gasoline and was used to limit the amount of VOC emissions from the gasoline dispensing process.

In 2019, after study and analysis, a determination was made that the requirement for this summer time blend of gasoline was no longer required to be a part of the Allegheny County portion of the Pennsylvania State Implementation Plan (SIP) for the attainment of the national standards for ozone pollution. Article XXI §2105.90, ‘Gasoline Volatility,’ and §2107.15, ‘Gasoline Volatility and RFG,’ were revised by adding language that these two sections would become no longer applicable once the U.S. EPA approved the removal of the low RVP gasoline requirement from the SIP.

The EPA subsequently approved the regulation/SIP revision later in 2019, and with that approval, Article XXI, §2105.90, and §2107.15 are no longer part of the Pennsylvania SIP.

Given that EPA approved SIP change, there is no longer a requirement that low RVP gasoline be supplied in Allegheny County, and now the ACHD Air Quality Program proposes to remove this regulation in its entirety from Article XXI, along with the related §2107.15, and some definitions found in §2101.20, ‘Definitions.’

The proposed revision was the subject of a public comment period from August 27 to September 27, 2021, and a public hearing on the last day of the comment period. No comments were received.

The ACHD request that the Board of Health grant final approval of the proposed revision.

For review at the November 2, 2021 Board of Health meeting.
The Air Program is seeking final approval.

Proposed

**Revision to ALLEGHENY COUNTY'S portion of the
PENNSYLVANIA STATE IMPLEMENTATION PLAN**

For the

**Attainment and Maintenance of the National
Ambient Air Quality Standards**

Revision Tracking No. 91

**Allegheny County Health Department
Rules and Regulations
Article XXI, Air Pollution Control**

**§2105.13, Gasoline Loading Facilities
§2105.14, Gasoline Dispensing Facilities – Stage II Control**

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1. Proposed changes to Article XXI Rules and Regulations:
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 - A. Comparison of Article XXI changes to 25 Pa. Code Chapter 129.61 and 129.82 changes
 - B. Proposed 25 Pa. Code Chapter 129.61a and 129.82a from Annex to proposed Final PA DEP Rulemaking as of 2.25.2021
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 - a. Public hearing notice
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1. Proposed Revision

Deletions are shown with strikethroughs.
Additions are shown in **larger font, bolded, and underlined.**

PART E - SOURCE EMISSION AND OPERATING STANDARDS

....

SUBPART 1 - VOC SOURCES

....

§2105.13 GASOLINE LOADING FACILITIES *{Subsection e amended mm/dd/20nn, effective mm/dd/20nn}*

- a. **Handling.** No person shall handle, or allow to be handled, gasoline in any bulk gasoline terminal, bulk gasoline plant, or other source subject to this Section in such manner that it is spilled, discarded in sewers, stored in open containers, or otherwise handled so as to result in uncontrolled evaporation into the open air.
- b. **Transfers.** No person shall transfer, or allow the transfer of, gasoline between any tank truck or trailer and any stationary storage tank located in a bulk gasoline terminal or bulk gasoline plant, or any small gasoline storage tank to which Subsection e below applies, unless:
 1. A vapor balance system is in good working order and is designed and operated during the transfer in such manner that:
 - A. Gauge pressure does not exceed 18 inches of water and vacuum does not exceed six inches of water in the gasoline tank truck;
 - B. Readings do not equal or exceed 100 percent of the lower explosive limit (LEL, measured as propane) at one inch from all points on the perimeter of a potential leak source when measured by the method referenced in §2107.04 of this Article during transfer operations; and
 - C. There are no avoidable visible liquid leaks during trans operations;
 2. Any truck, vapor balance system, or vapor disposal system, where applicable, that exceeds the limits in Paragraph b.1 above is repaired and retested according to the method referenced in §2107.04 of this Article within 15 days;
 3. There are no visually or audibly detectable leaks in the pressure/vacuum relief valves and hatch covers of the tank truck or the pressure/relief valves and hatch covers of the trailer, the truck tanks or storage tanks, or associated vapor and liquid lines during transfer; and
 4. The pressure and vacuum relief valves on stationary and vehicular tanks are set to release at no less than 0.7 psig of pressure or 0.3 psig of vacuum or the highest allowable pressure and vacuum as specified in state or local fire codes, or the National Fire Prevention Association guidelines or other national consensus standard approved in writing by the Department. Upon demonstration to the Department's written satisfaction

by the owner or operator of an underground small gasoline storage tank that the vapor balance system required by Subsection e below will achieve a 90% vapor recovery efficiency without a pressure and vacuum relief valve and that an interlock system sufficient to ensure connection of the vapor recovery line prior to transfer of gasoline will be used, no pressure and vacuum relief valve shall be required. The vacuum setting on the pressure and vacuum relief valve on an underground storage tank may be set at the lowest vacuum setting which is sufficient to keep the vent closed at zero pressure and vacuum.

- c. **Bulk Gasoline Terminals.** No person shall load, or allow to be loaded, gasoline from a bulk gasoline terminal into a vehicular tank unless:
1. There is in operation on the gasoline loading racks a vapor collection and disposal system reducing uncontrolled emissions by at least 90% by weight or emitting no more than 0.0668 pounds of gasoline for every 100 gallons of gasoline loaded;
 2. There is in operation on the gasoline loading racks a loading arm with a vapor collection adaptor and pneumatic, hydraulic or other mechanical means to force a vapor-tight seal between the adaptor and the hatch of the vehicular tank. A means shall also be provided to prevent gasoline drainage from the loading device when it is not connected to the hatch, and to accomplish complete drainage before disconnection. When loading is done by means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which are closed when disconnected; and
 3. Any person who operates, or allows to be operated, a bulk gasoline terminal shall maintain records of daily throughput. Such records shall be retained for not less than two years and shall be made available for inspection and copying by the Department upon request.

Compliance testing shall be done according to the provisions of §2107.04 of this Article.

- d. **Bulk Gasoline Plants.** No person shall load, or allow to be loaded, gasoline from a bulk gasoline plant stationary tank into a vehicular tank unless such loading is done by means of bottom filling with the inlet flush with the vehicular tank bottom or by means of top-submerged filling with the fill pipe extending to within six inches of the bottom of the vehicular tank throughout the loading operation.

In addition, no person shall load, or allow to be loaded, gasoline into any stationary tank of a bulk gasoline plant, or from any such stationary tank into a vehicular tank, unless:

1. There is in operation on such stationary tank:
 - A. A vapor balance system which emits no more than the amount of emissions permitted by Paragraph c.1 of this Section; or
 - B. A floating roof complying with Paragraph b.1 and Subsection c of §2105.12 under this Article and a vapor recovery and disposal system which emits no more than the amount of emissions permitted by Paragraph c.1 of this Section; and
2. Any person who operates, or allows to be operated, a bulk gasoline plant shall maintain records of daily throughput. Such records shall be retained for not less than two years and shall be made available for inspection and copying by the Department upon request.

- e. **Small Gasoline Storage Tanks.** No person shall load, or allow to be loaded, gasoline from any vehicular tank into any stationary storage tank having a capacity of 250 gallons or more if installed on or after January 1, 1979, or 2,000 gallons or more if installed before January 1, 1979, which is located in any gasoline handling facility unless there is in operation on such storage tank a vapor balance system which emits no more than the amount of emissions permitted by Paragraph c.1 of this Section and unless the stationary tank is equipped with a submerged fill pipe extending to within six inches of the bottom of the tank throughout the loading operation.

The dispensing delivery tank shall remain vapor tight at all times except after all vapors have been disposed of in accord with the provisions of this Section.

Stationary storage tanks with a capacity less than 550 gallons that are used for agricultural purposes and that are equipped with a submerged fill pipe shall be exempted from the provisions of this Subsection.

1. **An owner or operator of a gasoline storage tank subject to this subsection may also be subject to 25 Pa. Code §129.61a, “Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control,” which is hereby incorporated by reference into this Article. All terms used in 25 Pa. Code §129.61a and defined in 25 Pa. Code §121.1 are hereby incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.**
2. **For the purposes of this subsection, references in 25 Pa. Code §129.61a to:**
 - A. **“Department” shall mean Department as defined under this Article, except at 25 Pa. Code §129.61a(k)(2) relating to PA DEP publishing notice in the Pennsylvania Bulletin of a CARB Executive Order of Certification of a second manufacturer for an enhanced conventional nozzle;**
 - B. **25 Pa. Code §129.61, shall mean Article XXI, §2105.13.e;**
 - C. **25 Pa. Code §129.127, shall mean Article XXI, Parts B and C; and**
 - D. **“Plan approval” shall mean Installation Permit.**

§2105.14 GASOLINE DISPENSING FACILITIES – STAGE II CONTROL

{Section amended June 13, 2005, effective July 10, 2005. Section amended mm/dd/20nn, effective mm/dd/20nn.}

- a. **Applicability.** This Section applies to the owner or operator of a gasoline dispensing facilities facility equipped with a Stage II vapor recovery system with throughputs greater than 10,000 gallons per month. In the case of independent small business marketers of gasoline, as defined in Section 324 of the Clean Air Act (42 U.S.C.A. §7625(e)), this Section does not apply if the throughput is less than 50,000 gallons per month.
- ~~b. **Requirement for Stage II Control.** After the date specified in Subsection c, an owner or operator of a gasoline dispensing facility subject to this Section may not transfer or allow the transfer of gasoline into a motor vehicle fuel tank unless the dispensing facility is equipped with a Department approved and properly operating Stage II vapor recovery or vapor collection system. Unless a higher percent reduction is required by the EPA under section 182 of the Clean Air Act (42 U.S.C.A. § 7511a), approval by the Department of a Stage II vapor collection system will be based on a determination that the system will collect at least 95% by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling, and the captured vapors are returned to a vapor tight holding system or vapor control system.~~
- ~~c. **Compliance Schedule.**~~
- ~~1. Facilities for which construction was commenced after April 1, 1997, shall achieve compliance at the time of opening of the gasoline dispensing facility.~~
 - ~~2. Facilities which dispense greater than or equal to 120,000 gallons of gasoline per month, based on average monthly sales during calendar years 1995 and 1996, shall have achieved compliance by July 1, 1999.~~
 - ~~3. Facilities which dispense greater than 90,000 gallons per month but less than 120,000 gallons per month based on average monthly sales during calendar years 1995 and 1996 shall have achieved compliance by December 31, 2000.~~
- ~~d. **Definition.** For the purposes of this Section, the term “construction” includes, but is not limited to, the addition or replacement of one or more underground gasoline storage tanks.~~

- b. 25 Pa. Code §129.82a, “Requirements to decommission a Stage II vapor recovery system,” is hereby incorporated by reference into this Article. All terms used in 25 Pa. Code §129.82a and defined in 25 Pa. Code §121.1 are hereby incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.

For the purposes of this subsection, references in 25 Pa. Code §129.82a to:

1. “Department” shall mean Department as defined under this Article;
2. 25 Pa. Code §129.61, shall mean Article XXI, §2105.13.e;
3. 25 Pa. Code §129.82, shall mean Article XXI, §2105.14;
4. 25 Pa. Code §129.127, shall mean Article XXI, Parts B and C; and
5. “Plan approval” shall mean Installation Permit.

Ce. **General Requirements.** **The owner or operator** ~~Owners or operators, or both, of a~~ gasoline dispensing ~~facilities~~ **facility** subject to this Section shall **meet the following requirements until the Stage II vapor recovery system at the gasoline dispensing facility is decommissioned under 25 Pa. Code §129.82a, (relating to requirements to decommission a Stage II vapor recovery system):**

1. ~~Install necessary Stage II vapor collection and control systems, provide~~ **Maintain a Department approved and properly operating Stage II vapor recovery system. The Department will not approve a Stage II vapor recovery system unless the Stage II vapor recovery system collects at least 95% by weight of the gasoline vapors that are displaced from a vehicle fuel tank during refueling and returns the captured vapors to a vapor tight system.**

2. **Provide** necessary maintenance and make modifications necessary to comply with the requirements **this section.**

3~~2.~~ Provide adequate training and written instructions to the operator of the ~~affected~~ gasoline dispensing facility to assure proper operation of the **Stage II vapor recovery** system.

4~~3.~~ Immediately remove from service and tag any **a** defective **vapor recovery hose, nozzle or other component of the** ~~dispensing~~ **Stage II vapor recovery** system until the defective component is replaced or repaired.

A. A component removed from service may not be returned to service until the defect is corrected.

B. If the Department finds **during an inspection** that a defective **vapor recovery hose, nozzle or other component of the** ~~dispensing~~ **Stage II vapor recovery** system is not properly tagged ~~during an inspection,~~ the component may not be returned to service until the defect is corrected, and the Department approves its return to service in writing.

5~~4.~~ Conspicuously post **the** operating instructions for the **gasoline dispensing** system in the gasoline dispensing area which, at a minimum, include:

A. A clear description of how to correctly dispense gasoline with the vapor recovery nozzles utilized at the site.

B. A warning that continued attempts to dispense gasoline after the system indicates that the **motor** vehicle fuel tank is full may result in spillage **and**

contamination of the air or water or recirculation of the gasoline into the vapor collection recovery system.

- C. A telephone number, email address or social media account established by the Department for the public to use to report problems experienced with the gasoline dispensing system.

65. Comply with the functional testing and certification requirements specified in EPA's Stage II Enforcement and Technical Guidance Documents developed under section 182 of the Clean Air Act ~~to meet the Clean Air Act requirements, conduct Department approved efficiency tests upon installation, addition, or replacement of one or more underground storage tanks, and conduct compliance tests at intervals thereafter according to the following schedule:~~

- A. For vapor balance systems, a pressure decay or leak test once every 5 years, a dynamic back pressure test once every 5 years, and a blockage test once every 5 years; ~~or~~ **The owner or operator of a gasoline dispensing facility that uses a Stage II vapor balance recovery system shall conduct the following test procedures:**
- i. **A liquid blockage test procedure under CARB TP-201.6, "Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities," adopted April 28, 2000, including updates and revisions, upon major modification of the system and every 5 years thereafter.**
 - ii. **A dynamic backpressure test procedure under CARB TP-201.4, "Dynamic Back Pressure," amended July 3, 2002, including updates and revisions, upon major modification of the system and every 5 years thereafter.**
- B. For vacuum assist systems, including Healy systems, a pressure decay or leak test once every 12 months, and an air to liquid volume ratio test once every 12 months; ~~or~~ **The owner or operator of a gasoline dispensing facility that uses a Stage II vacuum assist vapor recovery system shall quantify the air to liquid volumetric ratio conducted under CARB TP-201.5 "Air to Liquid Volume Ratio," amended February 1, 2001, including updates and revisions, once in every 12-month period.**

- C. The owner or operator of a gasoline dispensing facility that conducts a test procedure under subparagraph A or B shall do all of the following:**
- i. Conduct the test procedures in subparagraph A simultaneously, consecutively or separately at different times of the 5-year period.**
 - ii. Conduct the test procedure in subparagraph B simultaneously with, consecutively with or separately from the test procedures in 25 Pa. Code §129.61a(d)(1) (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control) during the 12-month period.**
 - iii. Repair to a component on, or correction to, the Stage II vapor recovery system must be made within 10 days following a failed test procedure.**
 - iv. Record all of the following information, as applicable, for each test procedure performed under subparagraph A or B:**
 - (a) The name of the test procedure.**
 - (b) The name of the person performing the test procedure.**
 - (c) The date the test procedure was performed.**
 - (d) The result of the test procedure.**
 - (e) The date, time, type and duration of a test procedure failure.**
 - (f) The name of the person correcting the test procedure failure.**
 - (g) The date the test procedure failure was corrected.**
 - (h) The action taken to correct the test procedure failure.**

C. For all other systems, tests and a testing schedule as approved by the Department.

76. Maintain written and electronic records on the premises of the affected gasoline dispensing facility, available for inspection and copying by the Department upon request, of **the gasoline dispensing system test procedure** results, monthly throughput, type and duration of any failures **failure** of the system, maintenance and repair activities, training, and compliance records. The records shall be kept for ~~at least~~ two (2) years, except for efficiency test reports which shall be kept since the most recently required testing date, **unless a longer period is required under Parts B and C (relating to construction, modification, reactivation and operation of sources) or an installation permit, operating permit, consent decree or order issued by the Department.**
- f. ~~**Exception.** The requirements of this Section shall not be effective unless such requirements are specifically mandated by controlling federal or state laws or regulations. Any rescission of the controlling federal and state laws and regulations mandating these requirements, or the suspension of enforcement of the same, shall result in the immediate suspension of the requirements of this Section by the Department.~~
- ...d. Additional requirements. An owner and operator of a gasoline storage tank subject to this section may also be subject to §129.61a and § 129.82a.**

End of Regulation Changes

2. Technical Support Document - General

This regulation revision will begin the process of decommissioning Stage II requirements for gasoline dispensing facilities in Allegheny County.

Section 202(a)(6) of the Clean Air Act (CAA) allows the EPA to revise or waive CAA §182(b)(3) Stage II requirements in moderate or above ozone nonattainment areas after EPA determines that Onboard Refueling Vapor Recovery (ORVR) is in widespread use.

EPA has now waived the CAA Stage II requirements for moderate and worse nonattainment areas. These waivers enable states to repeal Stage II programs.

ORVR systems act like a Stage II system on a vehicle. They capture vapors in a canister to be combusted later. However, the ORVR systems can be incompatible with Stage II systems. The vacuum-assisted Stage II systems pull air from the ORVR vehicles and return the air to the storage tank. The air returned to the storage tank pulls vapor out of the liquid fuel in the tank, which, under certain conditions, is vented to the atmosphere. Over 90% of Stage II systems in Pennsylvania use vacuum assist nozzles (the other system is called a vapor balance Stage II system).

The Pennsylvania Department of Environmental Protection (DEP) has performed the analysis regarding removal of Stage II systems in the state. According to DEP's analysis, using an EPA provided tool, ORVR is in widespread use and there is no concern that removing the Stage II systems from operation in the state will result in backsliding. DEP's analysis indicated that Stage II actually started increasing emissions in Pittsburgh in 2021. The DEP will prepare and submit to the EPA, a Non-Interference Demonstration or NID to satisfy the requirements of Clean Air Act Section 110(l) for both all counties in Pennsylvania where the Stage II requirements applied. The U.S. EPA has directed that this single NID will be sufficient, and that the air agency in Allegheny County does not need to develop its own NID. Therefore, ACHD is not submitting an NID as part of this SIP submittal.

DEP has initiated proposed regulations to require the removal of Stage II controls in Pennsylvania. They have prepared draft changes to 25 Pa. Code §129.61, "Small gasoline storage tank control (Stage I control), and §129.82, "Control of VOCs from gasoline dispensing facilities (Stage II)." In addition, DEP also found during their analysis that some Stage II elements – annual leak decay inspections, annual pressure vacuum vent valve tests and others - are beneficial to hold fugitive emissions in check. They have proposed new requirements to prevent leaks, and are adding two new sections to their regulatory code: 25 Pa. Code §129.61a, "Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control," and the actual decommissioning requirements at §129.82a, "Requirements to decommission a Stage II vapor recovery system."

With this regulation revision, ACHD is promulgating regulations to be included in Article XXI that are similar to those contained in 25 Pa. Code.

Article XXI, §2105.13.e is being revised to incorporate regulatory language similar to the changes made to 25 Pa. Code §129.61, and will incorporate by reference the newly proposed 25 Pa. Code §129.61a.

Article XXI, §2105.14 is being revised to incorporate regulatory language similar to the changes made to 25 Pa. Code §129.82, and will incorporate by reference the newly proposed 25 Pa. Code §129.82a.

The revisions to §2105.13 and §2105.14, will enable the Air Program to enforce the new Pennsylvania gasoline dispensing facility regulations within Allegheny County and will allow for statewide consistency.

[Note: There was no need to make any changes to Article XXI, §2101.20, “Definitions,” since none of the proposed DEP changes to 25 Pa. Code §121.1, “Definitions,” involved the definitions of words already included in Article XXI, §2101.20, and because the related definitions were incorporated by reference by Article XXI, §2105.13 and §2105.14.]

These changes are being submitted as SIP changes.

For review at the November 2, 2021 Board of Health meeting.
The Air Program is seeking final approval.

Proposed

**Revision to ALLEGHENY COUNTY'S portion of the
PENNSYLVANIA STATE IMPLEMENTATION PLAN**

For the

**Attainment and Maintenance of the National
Ambient Air Quality Standards**

Revision Tracking No. 89A

**Allegheny County Health Department
Rules and Regulations
Article XXI, Air Pollution Control**

§2101.20, "Definitions" (SIP Change)

§2105.90, "Gasoline Volatility," (Non-SIP change)

§2107.15, "Methods-Gasoline Volatility and RFG (Non-SIP
change);"

Table of Contents

1. Proposed Changes to Article XXI Rules and Regulations:
 - §2101.20, Definitions (SIP change)
 - §2105.90, Gasoline Volatility (non-SIP Change)
 - §2107.15, Gasoline Volatility and RFG (non-SIP Change)

2. Technical Support Document

3. Documentation of Public Hearing and Certifications
 - a. Public hearing notice
 - b. Transmittals of hearing notice to EPA & PA DEP
 - c. Proof of publication of notice of hearing
 - d. Certification of hearing
 - e. Summary of Comments and responses
 - f. Certifications of approval and adoption (later)

2. Proposed Gasoline Volatility Related Regulations Revisions

Deletions are shown with strikethroughs.

Additions are shown in **larger font, bolded, and underlined**.

PART A- General

....

§2101.20 DEFINITIONS

....

"Carrier" means a distributor who transports or stores or causes the transportation or storage of commercial fuel oil ~~or gasoline~~ without taking title to or otherwise having ownership of the commercial fuel oil ~~or gasoline~~, and without altering either the quality or quantity of the commercial fuel oil ~~or gasoline~~. The term includes a pipeline, truck or marine vessel distributor. *{Added by May 7, 1998 amendment, effective May 15, 1998. Amended November 28, 2017, effective December 8, 2017.}*

"Compliant Fuel" means ~~Low RVP gasoline.~~ *{added by May 7, 1998 amendment, effective May 15, 1998; amended August 12, 1999, effective September 1, 1999}*

"Distributor" means:

- a. ~~for purposes of the gasoline volatility program, means a person who transports, stores or causes the transportation or storage of gasoline at any point between a refinery, an oxygenate blending facility or terminal and a retail outlet or wholesale purchaser-consumer's facility. The term distributor includes a refinery, an oxygenate blending facility or a terminal. {Added by May 7, 1998 amendment, effective May 15, 1998.~~
- b. for purposes of commercial fuel oil under §2104.10, a person who transports, stores or causes the transportation or storage of commercial fuel oil at any point between a refinery, blending facility or terminal and a retail outlet, wholesale purchaser-consumer's facility or ultimate consumer. The term distributor includes a refinery, a blending facility or a terminal. *{Added by November 28, 2017 amendment, effective December 8, 2017.}*

"Importer" means a person who imports gasoline ~~or gasoline blending stocks or components from a foreign country into the United States.~~ *{added by May 7, 1998 amendment, effective May 15, 1998}*

"Low RVP gasoline" means ~~gasoline that has an RVP of 7.8 pounds per square inch or less as determined in accordance with the appropriate sampling and testing methodologies in 40 CFR Part 80, Appendix E (relating to test for determining Reid Vapor Pressure (RVP) of gasoline and gasoline-oxygenate blends).~~ *{added by May 7, 1998 amendment, effective May 15, 1998}*

~~"Oxygenate" means a substance which, when added to gasoline, increases the amount of oxygen in that gasoline blend. Lawful use of a combination of these substances requires that they be "substantially similar" under section 211(f)(1) of the Clean Air Act, or be permitted under a waiver granted by the Administrator of the EPA under the authority of section 211(f)(1) of the Clean Air Act. {added by May 7, 1998 amendment, effective May 15, 1998}~~

Keep>

"Refiner" means a person who owns, leases, operates, controls or supervises a refinery. *{added by May 7, 1998 amendment, effective May 15, 1998}*

Keep>

"Refinery" means a plant which produces petroleum products, including gasoline. *{added by May 7, 1998 amendment, effective May 15, 1998}*

~~**"Reseller"** means a person who purchases gasoline identified by the corporate, trade or brand name of a refiner or a distributor and resells or transfers the gasoline to retailers or wholesale purchaser consumers displaying the refiner's or distributor's brand, and whose assets or facilities are not owned, leased or controlled by the refiner or distributor. {added by May 7, 1998 amendment, effective May 15, 1998}~~

"Retail Outlet" means an establishment at which commercial fuel oil or gasoline is sold or offered for sale to the ultimate consumer for use in 'fuel-burning or combustion equipment' or motor vehicles, respectively. *{Added by May 7, 1998 amendment, effective May 15, 1998. Amended November 28, 2017, effective December 8, 2017.}*

Keep>

"Retailer" means a person who owns, leases, operates, controls or supervises a retail outlet. *{added by May 7, 1998 amendment, effective May 15, 1998}*

~~**"RFG"** means federal reformulated gasoline—gasoline that meets the requirements for RFG as specified in 40 CFR Part 80 Subpart D (relating to reformulated gasoline). {added by May 7, 1998 amendment, effective May 15, 1998}~~

~~**"RVP"**, Reid Vapor Pressure, means the measure of pressure exerted on the interior of a special container as determined by the appropriate methodologies in 40 CFR Part 80 Appendix 3. {added by May 7, 1998 amendment, effective May 15, 1998}~~

"Terminal" means:

- a. ~~a facility at which gasoline is sold, or dispensed into trucks for transportation to retail outlets or wholesale purchaser consumer facilities. {Added by May 7, 1998 amendment, effective May 15, 1998}~~
- b. For purposes of commercial fuel oil under §2104.10, a facility which is capable of receiving commercial fuel oil in bulk, that is by pipeline, barge, ship or other transport, and at which commercial fuel oil is sold or transferred into trucks for transportation to retail outlets or wholesale purchaser-consumer's facilities or ultimate consumers. *{Added by November 28, 2017 amendment, effective December 8, 2017.}*

"Wholesale purchaser-consumer" means an entity or individual that is an ultimate consumer of gasoline which purchases or obtains gasoline from a supplier for use in motor vehicles and receives delivery of that product into a storage tank of at least 550-gallon capacity substantially under the control of that entity or individual. *{added by May 7, 1998 amendment, effective May 15, 1998}*

PART E- Source Emission and Operating Standards

....

§2105.90 GASOLINE VOLATILITY **[Reserved]**

*{This section added by May 7, 1998 amendment, effective May 15, 1998; Paragraph e renumbered, paragraphs c & d renumbered and amended August 12, 1999, effective September 1, 1999. Paragraph b.3 added mm/dd/2018, effective mm/dd/2018. **This contents of this section were deleted and the section marked as "Reserved" mm/dd/20yy, effective mm/dd/20yy.**}*

- a. ~~**Applicability.** This Section applies to gasoline which is sold or transferred into or within Allegheny County during the period May 1 through September 15, 1998, and continuing during the same period every year thereafter.~~
- b. ~~**Compliant Fuel Requirements.**~~
1. ~~No refiner, importer, distributor, reseller, or carrier may:~~
 - A. ~~Sell, exchange or supply gasoline that is not a compliant fuel during the period described in Subsection (a).~~
 - B. ~~Blend, mix, store or transport or allow blending, mixing, storing or transporting of compliant fuel with noncompliant fuel during the period described in Subsection (a).~~
 2. ~~No retailer or wholesale purchaser consumer may sell, exchange, or supply gasoline that is not a compliant fuel during the period June 1 through September 15, 1998, and continuing during the same period every year thereafter.~~
 3. ~~This Section will no longer be applicable upon the effective date of approval by the EPA of the removal, suspension or replacement of this Section as part of Allegheny County's portion of the Pennsylvania SIP.~~
- e. ~~**Record keeping and reporting.**~~
1. ~~Beginning with the terminal owner or operator who sells or transfers gasoline intended for use in Allegheny County during the period described in §2105.90(a), each time the physical custody of or title to a shipment of gasoline changes hands other than when gasoline is sold or transferred for use in motor vehicles at a retail outlet or wholesale purchaser consumer's facility, the transferor shall provide to the transferee a copy of the record described in this subsection. Said record shall legibly and conspicuously contain, at a minimum, the following information:~~
 - (A) ~~The date of the sale or transfer.~~
 - (B) ~~The name and address of the transferor.~~
 - (C) ~~The name and address of the transferee.~~
 - (D) ~~The location of the gasoline at the time of transfer.~~
 - (E) ~~The volume of gasoline which is being sold or transferred.~~
 - (F) ~~A statement or grade code certifying that the gasoline has an RVP of 7.8 pounds per square inch or less per gallon.~~
 2. ~~Any person who transports, stores, or sells compliant fuel that is intended for use in Allegheny County during the period described in §2105.90(a) shall segregate the compliant fuel from~~

noncompliant fuel and the documentation described in §2105.90.c(1) shall accompany the compliant fuel at all times.

3. Each person in the gasoline distribution network shall maintain records containing the compliance information listed in §2105.90.c(1). These records shall be retained for at least 2 years from the date of the sale or transfer of compliant fuel. All records shall be kept on site at each point in the distribution network, except for retail outlets. Retail outlets shall retain records on site for at least the current compliance period (June 1 through September 15). The remaining records may be kept off site, but they must be made available to the Department within 48 hours upon request.
 - d. **Labeling.** During the period from June 1 to September 15 each year, and at all times when dispensing of clean fuels is required under this section, all retail gasoline dispensing facilities shall prominently display on each gasoline pump a label with the following statements and conditions:
 1. "Cleaner Gas", and "JUNE 1 – SEPT 15".
 2. "RVP".
 3. The letters "RVP" shall be a minimum of 5/16 inches in height; all other letters and numbers shall be a minimum of 1/4 inches in height.
 4. The letters "RVP" shall be printed in green and all the other letters shall be printed in black. The label background shall be white.
 - e. **Sampling and test methods.** Sampling and testing for the volatility of gasoline shall be performed according to the applicable procedures established §2107.15.
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PART G - Methods

....

§2107.15 GASOLINE VOLATILITY and RFG [Reserved]

{This section added by May 7, 1998 amendment, effective May 15, 1998.

*Subsection c added mm/dd/2018, effective mm/dd/2018. **The content of this Section were deleted and the section was marked as "Reserved" mm/dd/20yy.***

- a. **Volatility.** Any sampling or testing of gasoline required by Section 2105.90 shall be performed according to the following methods as specified in Chapter 61 of the Allegheny County Source Testing Manual:
 1. Sampling of gasoline for the purpose of determining compliance with §2105.90 shall be conducted in accordance with 40 CFR Part 80, Appendix D (relating to sampling procedures for fuel volatility).
 2. Testing of gasoline for purposes of determining compliance with §2105.90 shall be conducted in accordance with 40 CFR Part 80, Appendix E (relating to test for determining the RVP of gasoline and gasoline oxygenate blend).
- b. **RFG.** RFG shall be certified and tested in accordance with the requirements listed in 40 CFR Part 80 Subpart D (relating to reformulated gasoline) as specified in Chapter 61 of the Allegheny County Source Testing Manual.
- c. This Section will no longer be applicable upon the effective date of approval by the EPA of the removal, suspension or replacement of this Section as part of Allegheny County's portion of the Pennsylvania SIP.

2. Technical Support Document

In 2018, the ACHD Air Program presented a revision to Article XXI §2105.90, ‘Gasoline Volatility,’ and §2107.15, ‘Gasoline Volatility and RFG,’ adding language that these two sections of Article XXI would become no longer applicable once the U.S. EPA approved the removal of the low RVP gasoline requirement from the Pennsylvania State Implementation Plan (SIP89).

The Board of Health approved that regulation revision on November 7, 2018. County Council enacted it on February 19, 2019, it was signed by the Allegheny County Chief Executive on February 21, 2019, and it became effective March 3, 2019. The EPA approved the regulation revision/SIP revision on July 5, 2019 (84 FR 32076 of same date), and with that approval, Article XXI, §2105.90, and §2107.15 are no longer a part of the Pennsylvania SIP.

Now that §2105.90 is no longer a part of the PA SIP, there is no longer a requirement that low RVP gasoline be supplied in Allegheny County, so the ACHD Air Quality Program proposes to remove this regulation in entirety from Article XXI. Also to be removed is the related Article XXI, §2107.15, “Gasoline Volatility and RFG”, which addresses the sampling and testing of low volatility gasoline as well as reformulated gasoline (for which there are no Article XXI requirements), and some definitions found in §2101.20, “Definitions.”

Because the definitions were not mentioned in the approved SIP89, but are part of the SIP, the removal of them will be the only change in this document that is a SIP change.

The technical justification for the removal of the low RVP gasoline requirement in Allegheny County was provided in SIP89 and does not need to be repeated here.

The regulation revisions regarding the definitions listed above, can be considered “housekeeping” and need no further justification. Several definitions related to the gasoline volatility regulation that are listed above, are not being deleted because they may have meaning for regulations outside of the gasoline volatility regulations.

Proposed change to Allegheny County Health Department Rules and Regulations, Article XXI, Air Pollution Control ---

**the revision of
§2105.13, “Gasoline Loading Facilities” and
§2105.14, “Gasoline Dispensing Facilities – Stage II Control”**

EXECUTIVE SUMMARY

Under the Clean Air Act, gasoline dispensing facilities in Allegheny County are equipped with equipment referred to as “Stage II Controls,” that prevent the escape of gasoline vapor to the atmosphere. In recent years, new automobiles are being manufactured with equipment called “Onboard Refueling Vapor Recover” (ORVR) systems that achieve the same result. However, the Stage II systems can be incompatible with the ORVR systems, resulting in an overall increase in polluting vapors being released to the atmosphere.

Section 202(a)(6) of the Clean Air Act (CAA) allows the EPA to revise or waive CAA §182(b)(3) Stage II requirements in moderate or above ozone nonattainment areas after EPA determines that Onboard Refueling Vapor Recovery (ORVR) is in widespread use.

That situation now exists. Use of ORVR is now so widespread that EPA has now waived the CAA Stage II requirements for moderate and worse nonattainment areas. These waivers enable states to repeal Stage II programs. In that regard, and at this time, the Pennsylvania Department of Environmental Protection is taking steps to remove most Stage II requirements from their regulations.

This Article XXI regulation revision will implement the same process of decommissioning Stage II requirements for gasoline dispensing facilities in Allegheny County.

The proposed revision was the subject of a public comment period from August 27 to September 27, 2021, and a public hearing on the last day of the comment period. No comments were received.

The ACHD request that the Board of Health grant final approval of the proposed revision.

Proposed change to Allegheny County Health Department Rules and Regulations, Article XXI, Air Pollution Control ---

**the revision of
§2105.90, “Gasoline Volatility” and
§2107.15, “Methods - Gasoline Volatility and RFG”**

EXECUTIVE SUMMARY

For many years, Article XXI included regulations that restricted the type of gasoline that could be sold in Allegheny County during the summer months. This gasoline was referred to as “Low Reid Vapor Pressure” or “Low RVP” gasoline and was used to limit the amount of VOC emissions from the gasoline dispensing process.

In 2019, after study and analysis, a determination was made that the requirement for this summer time blend of gasoline was no longer required to be a part of the Allegheny County portion of the Pennsylvania State Implementation Plan (SIP) for the attainment of the national standards for ozone pollution. Article XXI §2105.90, ‘Gasoline Volatility,’ and §2107.15, ‘Gasoline Volatility and RFG,’ were revised by adding language that these two sections would become no longer applicable once the U.S. EPA approved the removal of the low RVP gasoline requirement from the SIP.

The EPA subsequently approved the regulation/SIP revision later in 2019, and with that approval, Article XXI, §2105.90, and §2107.15 are no longer part of the Pennsylvania SIP.

Given that EPA approved SIP change, there is no longer a requirement that low RVP gasoline be supplied in Allegheny County, and now the ACHD Air Quality Program proposes to remove this regulation in its entirety from Article XXI, along with the related §2107.15, and some definitions found in §2101.20, ‘Definitions.’

The proposed revision was the subject of a public comment period from August 27 to September 27, 2021, and a public hearing on the last day of the comment period. No comments were received.

The ACHD request that the Board of Health grant final approval of the proposed revision.

For review at the November 2, 2021 Board of Health meeting.
The Air Program is seeking final approval.

Proposed

**Revision to ALLEGHENY COUNTY'S portion of the
PENNSYLVANIA STATE IMPLEMENTATION PLAN**

For the

**Attainment and Maintenance of the National
Ambient Air Quality Standards**

Revision Tracking No. 91

**Allegheny County Health Department
Rules and Regulations
Article XXI, Air Pollution Control**

**§2105.13, Gasoline Loading Facilities
§2105.14, Gasoline Dispensing Facilities – Stage II Control**

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1. Proposed Revision

Deletions are shown with strikethroughs.
Additions are shown in **larger font, bolded, and underlined.**

PART E - SOURCE EMISSION AND OPERATING STANDARDS

....
SUBPART 1 - VOC SOURCES

....

§2105.13 GASOLINE LOADING FACILITIES *{Subsection e amended mm/dd/20nn, effective mm/dd/20nn}*

- a. **Handling.** No person shall handle, or allow to be handled, gasoline in any bulk gasoline terminal, bulk gasoline plant, or other source subject to this Section in such manner that it is spilled, discarded in sewers, stored in open containers, or otherwise handled so as to result in uncontrolled evaporation into the open air.
- b. **Transfers.** No person shall transfer, or allow the transfer of, gasoline between any tank truck or trailer and any stationary storage tank located in a bulk gasoline terminal or bulk gasoline plant, or any small gasoline storage tank to which Subsection e below applies, unless:
 1. A vapor balance system is in good working order and is designed and operated during the transfer in such manner that:
 - A. Gauge pressure does not exceed 18 inches of water and vacuum does not exceed six inches of water in the gasoline tank truck;
 - B. Readings do not equal or exceed 100 percent of the lower explosive limit (LEL, measured as propane) at one inch from all points on the perimeter of a potential leak source when measured by the method referenced in §2107.04 of this Article during transfer operations; and
 - C. There are no avoidable visible liquid leaks during trans operations;
 2. Any truck, vapor balance system, or vapor disposal system, where applicable, that exceeds the limits in Paragraph b.1 above is repaired and retested according to the method referenced in §2107.04 of this Article within 15 days;
 3. There are no visually or audibly detectable leaks in the pressure/vacuum relief valves and hatch covers of the tank truck or the pressure/relief valves and hatch covers of the trailer, the truck tanks or storage tanks, or associated vapor and liquid lines during transfer; and
 4. The pressure and vacuum relief valves on stationary and vehicular tanks are set to release at no less than 0.7 psig of pressure or 0.3 psig of vacuum or the highest allowable pressure and vacuum as specified in state or local fire codes, or the National Fire Prevention Association guidelines or other national consensus standard approved in writing by the Department. Upon demonstration to the Department's written satisfaction

by the owner or operator of an underground small gasoline storage tank that the vapor balance system required by Subsection e below will achieve a 90% vapor recovery efficiency without a pressure and vacuum relief valve and that an interlock system sufficient to ensure connection of the vapor recovery line prior to transfer of gasoline will be used, no pressure and vacuum relief valve shall be required. The vacuum setting on the pressure and vacuum relief valve on an underground storage tank may be set at the lowest vacuum setting which is sufficient to keep the vent closed at zero pressure and vacuum.

- c. **Bulk Gasoline Terminals.** No person shall load, or allow to be loaded, gasoline from a bulk gasoline terminal into a vehicular tank unless:
1. There is in operation on the gasoline loading racks a vapor collection and disposal system reducing uncontrolled emissions by at least 90% by weight or emitting no more than 0.0668 pounds of gasoline for every 100 gallons of gasoline loaded;
 2. There is in operation on the gasoline loading racks a loading arm with a vapor collection adaptor and pneumatic, hydraulic or other mechanical means to force a vapor-tight seal between the adaptor and the hatch of the vehicular tank. A means shall also be provided to prevent gasoline drainage from the loading device when it is not connected to the hatch, and to accomplish complete drainage before disconnection. When loading is done by means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which are closed when disconnected; and
 3. Any person who operates, or allows to be operated, a bulk gasoline terminal shall maintain records of daily throughput. Such records shall be retained for not less than two years and shall be made available for inspection and copying by the Department upon request.

Compliance testing shall be done according to the provisions of §2107.04 of this Article.

- d. **Bulk Gasoline Plants.** No person shall load, or allow to be loaded, gasoline from a bulk gasoline plant stationary tank into a vehicular tank unless such loading is done by means of bottom filling with the inlet flush with the vehicular tank bottom or by means of top-submerged filling with the fill pipe extending to within six inches of the bottom of the vehicular tank throughout the loading operation.

In addition, no person shall load, or allow to be loaded, gasoline into any stationary tank of a bulk gasoline plant, or from any such stationary tank into a vehicular tank, unless:

1. There is in operation on such stationary tank:
 - A. A vapor balance system which emits no more than the amount of emissions permitted by Paragraph c.1 of this Section; or
 - B. A floating roof complying with Paragraph b.1 and Subsection c of §2105.12 under this Article and a vapor recovery and disposal system which emits no more than the amount of emissions permitted by Paragraph c.1 of this Section; and
2. Any person who operates, or allows to be operated, a bulk gasoline plant shall maintain records of daily throughput. Such records shall be retained for not less than two years and shall be made available for inspection and copying by the Department upon request.

- e. **Small Gasoline Storage Tanks.** No person shall load, or allow to be loaded, gasoline from any vehicular tank into any stationary storage tank having a capacity of 250 gallons or more if installed on or after January 1, 1979, or 2,000 gallons or more if installed before January 1, 1979, which is located in any gasoline handling facility unless there is in operation on such storage tank a vapor balance system which emits no more than the amount of emissions permitted by Paragraph c.1 of this Section and unless the stationary tank is equipped with a submerged fill pipe extending to within six inches of the bottom of the tank throughout the loading operation.

The dispensing delivery tank shall remain vapor tight at all times except after all vapors have been disposed of in accord with the provisions of this Section.

Stationary storage tanks with a capacity less than 550 gallons that are used for agricultural purposes and that are equipped with a submerged fill pipe shall be exempted from the provisions of this Subsection.

1. **An owner or operator of a gasoline storage tank subject to this subsection may also be subject to 25 Pa. Code §129.61a, “Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control,” which is hereby incorporated by reference into this Article. All terms used in 25 Pa. Code §129.61a and defined in 25 Pa. Code §121.1 are hereby incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.**
2. **For the purposes of this subsection, references in 25 Pa. Code §129.61a to:**
 - A. **“Department” shall mean Department as defined under this Article, except at 25 Pa. Code §129.61a(k)(2) relating to PA DEP publishing notice in the Pennsylvania Bulletin of a CARB Executive Order of Certification of a second manufacturer for an enhanced conventional nozzle;**
 - B. **25 Pa. Code §129.61, shall mean Article XXI, §2105.13.e;**
 - C. **25 Pa. Code §129.127, shall mean Article XXI, Parts B and C; and**
 - D. **“Plan approval” shall mean Installation Permit.**

§2105.14 GASOLINE DISPENSING FACILITIES – STAGE II CONTROL

{Section amended June 13, 2005, effective July 10, 2005. Section amended mm/dd/20nn, effective mm/dd/20nn.}

- a. **Applicability.** This Section applies to the owner or operator of a gasoline dispensing facilities facility equipped with a Stage II vapor recovery system with throughputs greater than 10,000 gallons per month. In the case of independent small business marketers of gasoline, as defined in Section 324 of the Clean Air Act (42 U.S.C.A. §7625(e)), this Section does not apply if the throughput is less than 50,000 gallons per month.
- ~~b. **Requirement for Stage II Control.** After the date specified in Subsection c, an owner or operator of a gasoline dispensing facility subject to this Section may not transfer or allow the transfer of gasoline into a motor vehicle fuel tank unless the dispensing facility is equipped with a Department approved and properly operating Stage II vapor recovery or vapor collection system. Unless a higher percent reduction is required by the EPA under section 182 of the Clean Air Act (42 U.S.C.A. § 7511a), approval by the Department of a Stage II vapor collection system will be based on a determination that the system will collect at least 95% by weight of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling, and the captured vapors are returned to a vapor tight holding system or vapor control system.~~
- ~~c. **Compliance Schedule.**~~
- ~~1. Facilities for which construction was commenced after April 1, 1997, shall achieve compliance at the time of opening of the gasoline dispensing facility.~~
 - ~~2. Facilities which dispense greater than or equal to 120,000 gallons of gasoline per month, based on average monthly sales during calendar years 1995 and 1996, shall have achieved compliance by July 1, 1999.~~
 - ~~3. Facilities which dispense greater than 90,000 gallons per month but less than 120,000 gallons per month based on average monthly sales during calendar years 1995 and 1996 shall have achieved compliance by December 31, 2000.~~
- ~~d. **Definition.** For the purposes of this Section, the term “construction” includes, but is not limited to, the addition or replacement of one or more underground gasoline storage tanks.~~

- b. 25 Pa. Code §129.82a, “Requirements to decommission a Stage II vapor recovery system,” is hereby incorporated by reference into this Article. All terms used in 25 Pa. Code §129.82a and defined in 25 Pa. Code §121.1 are hereby incorporated by reference, except as explicitly set forth herein. Additions, revisions, or deletions to such regulation by the Commonwealth are incorporated into this Article and are effective on the date established by the state regulations, unless otherwise established by regulation under this Article.**

For the purposes of this subsection, references in 25 Pa. Code §129.82a to:

- 1. “Department” shall mean Department as defined under this Article;**
- 2. 25 Pa. Code §129.61, shall mean Article XXI, §2105.13.e;**
- 3. 25 Pa. Code §129.82, shall mean Article XXI, §2105.14;**
- 4. 25 Pa. Code §129.127, shall mean Article XXI, Parts B and C; and**
- 5. “Plan approval” shall mean Installation Permit.**

Ce. **General Requirements.** **The owner or operator** ~~Owners or operators, or both, of a~~ gasoline dispensing ~~facilities~~ **facility** subject to this Section shall **meet the following requirements until the Stage II vapor recovery system at the gasoline dispensing facility is decommissioned under 25 Pa. Code §129.82a, (relating to requirements to decommission a Stage II vapor recovery system):**

1. ~~Install necessary Stage II vapor collection and control systems, provide~~ **Maintain a Department approved and properly operating Stage II vapor recovery system. The Department will not approve a Stage II vapor recovery system unless the Stage II vapor recovery system collects at least 95% by weight of the gasoline vapors that are displaced from a vehicle fuel tank during refueling and returns the captured vapors to a vapor tight system.**

2. **Provide** necessary maintenance and make modifications necessary to comply with the requirements **this section.**

3~~2.~~ Provide adequate training and written instructions to the operator of the ~~affected~~ gasoline dispensing facility to assure proper operation of the **Stage II vapor recovery** system.

4~~3.~~ Immediately remove from service and tag any **a** defective **vapor recovery hose, nozzle or other component of the** ~~dispensing~~ **Stage II vapor recovery** system until the defective component is replaced or repaired.

A. A component removed from service may not be returned to service until the defect is corrected.

B. If the Department finds **during an inspection** that a defective **vapor recovery hose, nozzle or other component of the** ~~dispensing~~ **Stage II vapor recovery** system is not properly tagged ~~during an inspection,~~ the component may not be returned to service until the defect is corrected, and the Department approves its return to service in writing.

5~~4.~~ Conspicuously post **the** operating instructions for the **gasoline dispensing** system in the gasoline dispensing area which, at a minimum, include:

A. A clear description of how to correctly dispense gasoline with the vapor recovery nozzles utilized at the site.

B. A warning that continued attempts to dispense gasoline after the system indicates that the **motor** vehicle fuel tank is full may result in spillage **and**

contamination of the air or water or recirculation of the gasoline into the vapor collection recovery system.

- C. A telephone number, email address or social media account established by the Department for the public to use to report problems experienced with the gasoline dispensing system.

65. Comply with the functional testing and certification requirements specified in EPA's Stage II Enforcement and Technical Guidance Documents developed under section 182 of the Clean Air Act ~~to meet the Clean Air Act requirements, conduct Department approved efficiency tests upon installation, addition, or replacement of one or more underground storage tanks, and conduct compliance tests at intervals thereafter according to the following schedule:~~

- A. For vapor balance systems, a pressure decay or leak test once every 5 years, a dynamic back pressure test once every 5 years, and a blockage test once every 5 years; ~~or~~ **The owner or operator of a gasoline dispensing facility that uses a Stage II vapor balance recovery system shall conduct the following test procedures:**
- i. **A liquid blockage test procedure under CARB TP-201.6, "Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities," adopted April 28, 2000, including updates and revisions, upon major modification of the system and every 5 years thereafter.**
 - ii. **A dynamic backpressure test procedure under CARB TP-201.4, "Dynamic Back Pressure," amended July 3, 2002, including updates and revisions, upon major modification of the system and every 5 years thereafter.**
- B. For vacuum assist systems, including Healy systems, a pressure decay or leak test once every 12 months, and an air to liquid volume ratio test once every 12 months; ~~or~~ **The owner or operator of a gasoline dispensing facility that uses a Stage II vacuum assist vapor recovery system shall quantify the air to liquid volumetric ratio conducted under CARB TP-201.5 "Air to Liquid Volume Ratio," amended February 1, 2001, including updates and revisions, once in every 12-month period.**

- C. The owner or operator of a gasoline dispensing facility that conducts a test procedure under subparagraph A or B shall do all of the following:**
- i. Conduct the test procedures in subparagraph A simultaneously, consecutively or separately at different times of the 5-year period.**
 - ii. Conduct the test procedure in subparagraph B simultaneously with, consecutively with or separately from the test procedures in 25 Pa. Code §129.61a(d)(1) (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control) during the 12-month period.**
 - iii. Repair to a component on, or correction to, the Stage II vapor recovery system must be made within 10 days following a failed test procedure.**
 - iv. Record all of the following information, as applicable, for each test procedure performed under subparagraph A or B:**
 - (a) The name of the test procedure.**
 - (b) The name of the person performing the test procedure.**
 - (c) The date the test procedure was performed.**
 - (d) The result of the test procedure.**
 - (e) The date, time, type and duration of a test procedure failure.**
 - (f) The name of the person correcting the test procedure failure.**
 - (g) The date the test procedure failure was corrected.**
 - (h) The action taken to correct the test procedure failure.**

C. For all other systems, tests and a testing schedule as approved by the Department.

76. Maintain written and electronic records on the premises of the affected gasoline dispensing facility, available for inspection and copying by the Department upon request, of **the gasoline dispensing system test procedure** results, monthly throughput, type and duration of any failures **failure** of the system, maintenance and repair activities, training, and compliance records. The records shall be kept for ~~at least~~ two (2) years, except for efficiency test reports which shall be kept since the most recently required testing date, **unless a longer period is required under Parts B and C (relating to construction, modification, reactivation and operation of sources) or an installation permit, operating permit, consent decree or order issued by the Department.**
- f. ~~**Exception.** The requirements of this Section shall not be effective unless such requirements are specifically mandated by controlling federal or state laws or regulations. Any rescission of the controlling federal and state laws and regulations mandating these requirements, or the suspension of enforcement of the same, shall result in the immediate suspension of the requirements of this Section by the Department.~~
- ...d. Additional requirements. An owner and operator of a gasoline storage tank subject to this section may also be subject to §129.61a and § 129.82a.**

End of Regulation Changes

2. Technical Support Document - General

This regulation revision will begin the process of decommissioning Stage II requirements for gasoline dispensing facilities in Allegheny County.

Section 202(a)(6) of the Clean Air Act (CAA) allows the EPA to revise or waive CAA §182(b)(3) Stage II requirements in moderate or above ozone nonattainment areas after EPA determines that Onboard Refueling Vapor Recovery (ORVR) is in widespread use.

EPA has now waived the CAA Stage II requirements for moderate and worse nonattainment areas. These waivers enable states to repeal Stage II programs.

ORVR systems act like a Stage II system on a vehicle. They capture vapors in a canister to be combusted later. However, the ORVR systems can be incompatible with Stage II systems. The vacuum-assisted Stage II systems pull air from the ORVR vehicles and return the air to the storage tank. The air returned to the storage tank pulls vapor out of the liquid fuel in the tank, which, under certain conditions, is vented to the atmosphere. Over 90% of Stage II systems in Pennsylvania use vacuum assist nozzles (the other system is called a vapor balance Stage II system).

The Pennsylvania Department of Environmental Protection (DEP) has performed the analysis regarding removal of Stage II systems in the state. According to DEP's analysis, using an EPA provided tool, ORVR is in widespread use and there is no concern that removing the Stage II systems from operation in the state will result in backsliding. DEP's analysis indicated that Stage II actually started increasing emissions in Pittsburgh in 2021. The DEP will prepare and submit to the EPA, a Non-Interference Demonstration or NID to satisfy the requirements of Clean Air Act Section 110(l) for both all counties in Pennsylvania where the Stage II requirements applied. The U.S. EPA has directed that this single NID will be sufficient, and that the air agency in Allegheny County does not need to develop its own NID. Therefore, ACHD is not submitting an NID as part of this SIP submittal.

DEP has initiated proposed regulations to require the removal of Stage II controls in Pennsylvania. They have prepared draft changes to 25 Pa. Code §129.61, "Small gasoline storage tank control (Stage I control), and §129.82, "Control of VOCs from gasoline dispensing facilities (Stage II)." In addition, DEP also found during their analysis that some Stage II elements – annual leak decay inspections, annual pressure vacuum vent valve tests and others - are beneficial to hold fugitive emissions in check. They have proposed new requirements to prevent leaks, and are adding two new sections to their regulatory code: 25 Pa. Code §129.61a, "Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control," and the actual decommissioning requirements at §129.82a, "Requirements to decommission a Stage II vapor recovery system."

With this regulation revision, ACHD is promulgating regulations to be included in Article XXI that are similar to those contained in 25 Pa. Code.

Article XXI, §2105.13.e is being revised to incorporate regulatory language similar to the changes made to 25 Pa. Code §129.61, and will incorporate by reference the newly proposed 25 Pa. Code §129.61a.

Article XXI, §2105.14 is being revised to incorporate regulatory language similar to the changes made to 25 Pa. Code §129.82, and will incorporate by reference the newly proposed 25 Pa. Code §129.82a.

The revisions to §2105.13 and §2105.14, will enable the Air Program to enforce the new Pennsylvania gasoline dispensing facility regulations within Allegheny County and will allow for statewide consistency.

[Note: There was no need to make any changes to Article XXI, §2101.20, “Definitions,” since none of the proposed DEP changes to 25 Pa. Code §121.1, “Definitions,” involved the definitions of words already included in Article XXI, §2101.20, and because the related definitions were incorporated by reference by Article XXI, §2105.13 and §2105.14.]

These changes are being submitted as SIP changes.

For review at the November 2, 2021 Board of Health meeting.
The Air Program is seeking final approval.

Proposed

**Revision to ALLEGHENY COUNTY'S portion of the
PENNSYLVANIA STATE IMPLEMENTATION PLAN**

For the

**Attainment and Maintenance of the National
Ambient Air Quality Standards**

Revision Tracking No. 89A

**Allegheny County Health Department
Rules and Regulations
Article XXI, Air Pollution Control**

§2101.20, "Definitions" (SIP Change)

§2105.90, "Gasoline Volatility," (Non-SIP change)

§2107.15, "Methods-Gasoline Volatility and RFG (Non-SIP
change);"

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1. Proposed Changes to Article XXI Rules and Regulations:
 - §2101.20, Definitions (SIP change)
 - §2105.90, Gasoline Volatility (non-SIP Change)
 - §2107.15, Gasoline Volatility and RFG (non-SIP Change)

2. Technical Support Document

3. Documentation of Public Hearing and Certifications
 - a. Public hearing notice
 - b. Transmittals of hearing notice to EPA & PA DEP
 - c. Proof of publication of notice of hearing
 - d. Certification of hearing
 - e. Summary of Comments and responses
 - f. Certifications of approval and adoption (later)

2. Proposed Gasoline Volatility Related Regulations Revisions

Deletions are shown with strikethroughs.

Additions are shown in **larger font, bolded, and underlined**.

PART A- General

....

§2101.20 DEFINITIONS

....

"Carrier" means a distributor who transports or stores or causes the transportation or storage of commercial fuel oil ~~or gasoline~~ without taking title to or otherwise having ownership of the commercial fuel oil ~~or gasoline~~, and without altering either the quality or quantity of the commercial fuel oil ~~or gasoline~~. The term includes a pipeline, truck or marine vessel distributor. *{Added by May 7, 1998 amendment, effective May 15, 1998. Amended November 28, 2017, effective December 8, 2017.}*

"Compliant Fuel" means ~~Low RVP gasoline.~~ *{added by May 7, 1998 amendment, effective May 15, 1998; amended August 12, 1999, effective September 1, 1999}*

"Distributor" means:

- a. ~~for purposes of the gasoline volatility program, means a person who transports, stores or causes the transportation or storage of gasoline at any point between a refinery, an oxygenate blending facility or terminal and a retail outlet or wholesale purchaser-consumer's facility. The term distributor includes a refinery, an oxygenate blending facility or a terminal. {Added by May 7, 1998 amendment, effective May 15, 1998.~~
- b. for purposes of commercial fuel oil under §2104.10, a person who transports, stores or causes the transportation or storage of commercial fuel oil at any point between a refinery, blending facility or terminal and a retail outlet, wholesale purchaser-consumer's facility or ultimate consumer. The term distributor includes a refinery, a blending facility or a terminal. *{Added by November 28, 2017 amendment, effective December 8, 2017.}*

"Importer" means a person who imports gasoline ~~or gasoline blending stocks or components from a foreign country into the United States.~~ *{added by May 7, 1998 amendment, effective May 15, 1998}*

"Low RVP gasoline" means gasoline that has an RVP of 7.8 pounds per square inch or less as determined in accordance with the appropriate sampling and testing methodologies in 40 CFR Part 80, Appendix E (relating to test for determining Reid Vapor Pressure (RVP) of gasoline and gasoline-oxygenate blends). *{added by May 7, 1998 amendment, effective May 15, 1998}*

~~"Oxygenate" means a substance which, when added to gasoline, increases the amount of oxygen in that gasoline blend. Lawful use of a combination of these substances requires that they be "substantially similar" under section 211(f)(1) of the Clean Air Act, or be permitted under a waiver granted by the Administrator of the EPA under the authority of section 211(f)(1) of the Clean Air Act. {added by May 7, 1998 amendment, effective May 15, 1998}~~

Keep>

"Refiner" means a person who owns, leases, operates, controls or supervises a refinery. *{added by May 7, 1998 amendment, effective May 15, 1998}*

Keep>

"Refinery" means a plant which produces petroleum products, including gasoline. *{added by May 7, 1998 amendment, effective May 15, 1998}*

~~**"Reseller"** means a person who purchases gasoline identified by the corporate, trade or brand name of a refiner or a distributor and resells or transfers the gasoline to retailers or wholesale purchaser consumers displaying the refiner's or distributor's brand, and whose assets or facilities are not owned, leased or controlled by the refiner or distributor. {added by May 7, 1998 amendment, effective May 15, 1998}~~

"Retail Outlet" means an establishment at which commercial fuel oil or gasoline is sold or offered for sale to the ultimate consumer for use in 'fuel-burning or combustion equipment' or motor vehicles, respectively. *{Added by May 7, 1998 amendment, effective May 15, 1998. Amended November 28, 2017, effective December 8, 2017.}*

Keep>

"Retailer" means a person who owns, leases, operates, controls or supervises a retail outlet. *{added by May 7, 1998 amendment, effective May 15, 1998}*

~~**"RFG"** means federal reformulated gasoline—gasoline that meets the requirements for RFG as specified in 40 CFR Part 80 Subpart D (relating to reformulated gasoline). {added by May 7, 1998 amendment, effective May 15, 1998}~~

~~**"RVP"**, Reid Vapor Pressure, means the measure of pressure exerted on the interior of a special container as determined by the appropriate methodologies in 40 CFR Part 80 Appendix 3. {added by May 7, 1998 amendment, effective May 15, 1998}~~

"Terminal" means:

- a. ~~a facility at which gasoline is sold, or dispensed into trucks for transportation to retail outlets or wholesale purchaser consumer facilities. {Added by May 7, 1998 amendment, effective May 15, 1998}~~
- b. For purposes of commercial fuel oil under §2104.10, a facility which is capable of receiving commercial fuel oil in bulk, that is by pipeline, barge, ship or other transport, and at which commercial fuel oil is sold or transferred into trucks for transportation to retail outlets or wholesale purchaser-consumer's facilities or ultimate consumers. *{Added by November 28, 2017 amendment, effective December 8, 2017.}*

"Wholesale purchaser-consumer" means an entity or individual that is an ultimate consumer of gasoline which purchases or obtains gasoline from a supplier for use in motor vehicles and receives delivery of that product into a storage tank of at least 550-gallon capacity substantially under the control of that entity or individual. *{added by May 7, 1998 amendment, effective May 15, 1998}*

PART E- Source Emission and Operating Standards

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§2105.90 GASOLINE VOLATILITY **[Reserved]**

*{This section added by May 7, 1998 amendment, effective May 15, 1998; Paragraph e renumbered, paragraphs c & d renumbered and amended August 12, 1999, effective September 1, 1999. Paragraph b.3 added mm/dd/2018, effective mm/dd/2018. **This contents of this section were deleted and the section marked as "Reserved" mm/dd/20yy, effective mm/dd/20yy.**}*

- a. ~~**Applicability.** This Section applies to gasoline which is sold or transferred into or within Allegheny County during the period May 1 through September 15, 1998, and continuing during the same period every year thereafter.~~
- b. ~~**Compliant Fuel Requirements.**~~
1. ~~No refiner, importer, distributor, reseller, or carrier may:~~
 - A. ~~Sell, exchange or supply gasoline that is not a compliant fuel during the period described in Subsection (a).~~
 - B. ~~Blend, mix, store or transport or allow blending, mixing, storing or transporting of compliant fuel with noncompliant fuel during the period described in Subsection (a).~~
 2. ~~No retailer or wholesale purchaser consumer may sell, exchange, or supply gasoline that is not a compliant fuel during the period June 1 through September 15, 1998, and continuing during the same period every year thereafter.~~
 3. ~~This Section will no longer be applicable upon the effective date of approval by the EPA of the removal, suspension or replacement of this Section as part of Allegheny County's portion of the Pennsylvania SIP.~~
- e. ~~**Record keeping and reporting.**~~
1. ~~Beginning with the terminal owner or operator who sells or transfers gasoline intended for use in Allegheny County during the period described in §2105.90(a), each time the physical custody of or title to a shipment of gasoline changes hands other than when gasoline is sold or transferred for use in motor vehicles at a retail outlet or wholesale purchaser consumer's facility, the transferor shall provide to the transferee a copy of the record described in this subsection. Said record shall legibly and conspicuously contain, at a minimum, the following information:~~
 - (A) ~~The date of the sale or transfer.~~
 - (B) ~~The name and address of the transferor.~~
 - (C) ~~The name and address of the transferee.~~
 - (D) ~~The location of the gasoline at the time of transfer.~~
 - (E) ~~The volume of gasoline which is being sold or transferred.~~
 - (F) ~~A statement or grade code certifying that the gasoline has an RVP of 7.8 pounds per square inch or less per gallon.~~
 2. ~~Any person who transports, stores, or sells compliant fuel that is intended for use in Allegheny County during the period described in §2105.90(a) shall segregate the compliant fuel from~~

noncompliant fuel and the documentation described in §2105.90.c(1) shall accompany the compliant fuel at all times.

3. Each person in the gasoline distribution network shall maintain records containing the compliance information listed in §2105.90.c(1). These records shall be retained for at least 2 years from the date of the sale or transfer of compliant fuel. All records shall be kept on site at each point in the distribution network, except for retail outlets. Retail outlets shall retain records on site for at least the current compliance period (June 1 through September 15). The remaining records may be kept off site, but they must be made available to the Department within 48 hours upon request.
 - d. **Labeling.** During the period from June 1 to September 15 each year, and at all times when dispensing of clean fuels is required under this section, all retail gasoline dispensing facilities shall prominently display on each gasoline pump a label with the following statements and conditions:
 1. "Cleaner Gas", and "JUNE 1 – SEPT 15".
 2. "RVP".
 3. The letters "RVP" shall be a minimum of 5/16 inches in height; all other letters and numbers shall be a minimum of 1/4 inches in height.
 4. The letters "RVP" shall be printed in green and all the other letters shall be printed in black. The label background shall be white.
 - e. **Sampling and test methods.** Sampling and testing for the volatility of gasoline shall be performed according to the applicable procedures established §2107.15.
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PART G - Methods

....

§2107.15 GASOLINE VOLATILITY and RFG [Reserved]

{This section added by May 7, 1998 amendment, effective May 15, 1998.

*Subsection c added mm/dd/2018, effective mm/dd/2018. **The content of this Section were deleted and the section was marked as "Reserved" mm/dd/20yy.***

- a. **Volatility.** Any sampling or testing of gasoline required by Section 2105.90 shall be performed according to the following methods as specified in Chapter 61 of the Allegheny County Source Testing Manual:
 1. Sampling of gasoline for the purpose of determining compliance with §2105.90 shall be conducted in accordance with 40 CFR Part 80, Appendix D (relating to sampling procedures for fuel volatility).
 2. Testing of gasoline for purposes of determining compliance with §2105.90 shall be conducted in accordance with 40 CFR Part 80, Appendix E (relating to test for determining the RVP of gasoline and gasoline oxygenate blend).
- b. **RFG.** RFG shall be certified and tested in accordance with the requirements listed in 40 CFR Part 80 Subpart D (relating to reformulated gasoline) as specified in Chapter 61 of the Allegheny County Source Testing Manual.
- c. This Section will no longer be applicable upon the effective date of approval by the EPA of the removal, suspension or replacement of this Section as part of Allegheny County's portion of the Pennsylvania SIP.

2. Technical Support Document

In 2018, the ACHD Air Program presented a revision to Article XXI §2105.90, ‘Gasoline Volatility,’ and §2107.15, ‘Gasoline Volatility and RFG,’ adding language that these two sections of Article XXI would become no longer applicable once the U.S. EPA approved the removal of the low RVP gasoline requirement from the Pennsylvania State Implementation Plan (SIP89).

The Board of Health approved that regulation revision on November 7, 2018. County Council enacted it on February 19, 2019, it was signed by the Allegheny County Chief Executive on February 21, 2019, and it became effective March 3, 2019. The EPA approved the regulation revision/SIP revision on July 5, 2019 (84 FR 32076 of same date), and with that approval, Article XXI, §2105.90, and §2107.15 are no longer a part of the Pennsylvania SIP.

Now that §2105.90 is no longer a part of the PA SIP, there is no longer a requirement that low RVP gasoline be supplied in Allegheny County, so the ACHD Air Quality Program proposes to remove this regulation in entirety from Article XXI. Also to be removed is the related Article XXI, §2107.15, “Gasoline Volatility and RFG”, which addresses the sampling and testing of low volatility gasoline as well as reformulated gasoline (for which there are no Article XXI requirements), and some definitions found in §2101.20, “Definitions.”

Because the definitions were not mentioned in the approved SIP89, but are part of the SIP, the removal of them will be the only change in this document that is a SIP change.

The technical justification for the removal of the low RVP gasoline requirement in Allegheny County was provided in SIP89 and does not need to be repeated here.

The regulation revisions regarding the definitions listed above, can be considered “housekeeping” and need no further justification. Several definitions related to the gasoline volatility regulation that are listed above, are not being deleted because they may have meaning for regulations outside of the gasoline volatility regulations.