

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

**Meeting of the Allegheny County Board of Health
Public
May 4, 2022**

1. Call to order
2. Approval of Minutes for the March 2, 2022 Meeting
3. Public Comments on Agenda items
4. Director's Report
5. New Business – Action Items

For Public Comment

- Article XXI: Request for Delegation of Authority – Municipal Solid Waste Landfills

Final Action

- Article III: Food Safety Repeal & Replace
 - Food Safety Permit Fee Schedule
 - Personnel Resolution
 - Clean Air Fund Requests
 - Syringe Services Program
7. Public comments on Non-Agenda Items
 8. Adjournment

Next Meeting of the Board of Health
Wednesday, July 13, 2022



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CONDADO DE



ALLEGHENY

RICH FITZGERALD
EJECUTIVO DEL CONDADO

**Reunión del Consejo de Salud Pública del Condado de Allegheny
4 de mayo del 2022**

1. Comienzo de la Reunión
2. Aprobación del Acta del Consejo del 2 de marzo del 2022
3. Comentarios Públicos sobre los Puntos de la Agenda
4. Informe de la Directora
5. Asuntos Nuevos: Elementos de Acción

Para Comentario Público

- Artículo XXI: Solicitud de Delegación de Autoridad – Rellenos Sanitarios Municipales de Residuos Sólidos

Acción Final

- Artículo III: Revocación y Reemplazo de la Inocuidad de los Alimentos
 - Programa de Tarifas de Permisos de Seguridad Alimentaria
 - Resolución del Personal
 - Solicitudes de Fondos para Aire Limpio
 - Programa de Servicios de Jeringas
7. Comentarios Públicos sobre Temas fuera de la Agenda
 8. Término de la Reunión

Próxima Reunión del Consejo de Salud
Miércoles 13 de julio del 2022



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Allegheny County Board of Health
March 2, 2022
Minutes

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

1. Call to Order

Board Chair Dr. Lee Harrison welcomed everyone to the meeting of the Allegheny County Board of Health held in person in the Gold Room of the Allegheny County Courthouse.

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

2. Approval of Minutes from the January 5, 2022 Meeting

Dr. Harrison motioned to have the approval of the minutes.

Action: Bill Youngblood moved to approve the minutes as presented and Caroline Mitchell seconded the motion. **The Board approved the motion unanimously.**

3. Public Comments on Agenda Items

Dr. Harrison addressed the public saying that the public comment portion of the meeting is an opportunity for members of the public to inform the Board of Health about their views. The role of the public is to provide input to the Board of Health; the role of the Board of Health is to then take this input into consideration as it deliberates and ultimately decides matters brought before it.

Erin Koebel and Anthony Piscioneri provided comments on the proposed revisions of Article XXIV: Paid Sick Time.

Dr. Harrison asked Patrick Dowd, Chief Operating Officer, to summarize written comments on agenda items. Mr. Dowd explained that all comments were related to the proposed revisions to Article XXIV and as such included in the comment-response document provided to Board members.

4. Director's Report

Dr. Debra Bogen provided an update on important changes to the COVID-19 Response as offered by the Centers for Disease Control (CDC). She noted that several of her slides came directly from the CDC.

Because levels of population immunity as well as more readily available public health and clinical tools such as vaccines, therapeutics, and home testing, the CDC has shifted its emphasis and focus towards more relevant metrics. The goal is also shifting towards minimizing the impact of severe COVID-19 illness on health and society.

Before the availability of vaccines, the CDC was focused on minimizing cases and transmission of COVID. The new CDC COVID Community Levels and Indicators come from data available at the county level and reflect the goals of emphasizing medically significant disease and healthcare strain. The new information will be reported at least weekly and with sufficient timeliness to inform decisions regarding preventative measures.

Using these new indicators from the CDC, Dr. Bogen explained, as an individual and as a community we can reduce the impact of COVID. The new indicators will inform public health recommendations and help guide strategies related to equity. Disease surveillance such as emergency department visits and the new wastewater surveillance efforts, will continue to inform local decisions. Vaccination remains central to reducing the impact of the disease. Additionally, depending upon the level of spread, layered prevention strategies such as wearing masks will prevent disease transmission and reduce strain on our healthcare system. Dr. Bogen explained that we all have a role to play in protecting ourselves and our community.

Dr. Bogen shared the local data from the Allegheny County Health Department's (ACHD) dashboard. Infections were down to 200 a day. Testing numbers have also come down from record highs. However, more people are testing from home and opting not to report results on our website, which distorts testing data. Hospitalizations and deaths were down 6.5%. Dr. Bogen called attention to the fact that in Allegheny County, our black population has experienced significantly higher hospitalizations and deaths than other races.

A review of the Allegheny County Wastewater Surveillance Data confirms that case numbers continue to go down. Dr. Bogen reviewed a graph showing the proportion of variants in wastewater samples; in Allegheny County, Omicron remains the dominant strain.

The Health Department team continues to work diligently administering vaccine and booster shots. We continue to have small numbers of individuals getting vaccinated. She summarized the county vaccination data. Overall, 80.3% of the population age 5+ has at least one dose, 71.3% ages 5+ are fully vaccinated, and 55.2% of the population 12+ is fully vaccinated with a booster dose. We continue to have disparities in our vaccination rates, with lower rates in our black population, especially those younger than 40 and those in the 70+ age range. Dr. Bogen showed the positive impact of vaccinations in Allegheny County. If you were fully vaccinated with a booster compared to unvaccinated, your rates of hospitalization were 10.7 vs 250.9 per 100,000 and your death rates were 1.8 vs 47.8 per 100,000 respectively.

Dr. Joylette Portlock thanked the Director for the report and asked about the best strategy for reducing the disparities in vaccination rates. Dr. Bogen acknowledged the challenge and explained that the ACHD continues to work with community organizations, senior centers and others to connect directly with those from communities with lower rates of vaccination, to serve homebound residents, and to share as widely as possible messages about vaccine effectiveness.

Dr. Bogen made a plea for all who had concerns or questions about vaccines to speak directly to their healthcare professionals.

Dr. Kotayya Kondaveeti asked about the distribution of vaccines and tests. Dr. Bogen explained that large hospitals systems and doctor's offices receive vaccines from their pharmacy. The ACHD continues its partnership with Curative to provide tests to residents even as home test kits become more readily available.

Turning to the ACHD as a whole, Dr. Bogen announced that Dr. Roderick Harris will be leaving the Health Department to lead the Cuyahoga County Health Department. Dr. Harris has had a very positive impact on the growth and success of the ACHD, serving as the inaugural Director for Community Health Promotion and Disease Prevention. Dr. Bogen thanked Dr. Harris for all his accomplishments and wished him well in his new leadership role. On behalf of the entire Board, Dr. Harrison thanked Dr. Harris for his outstanding service.

ACHD efforts to achieve reaccreditation from the Public Health Accreditation Board continue. Dr. Bogen also announced that the ACHD received a \$175,000 grant from the CDC for the Chronic Diseases Program for a 10-month period supporting the work of the Live Well Allegheny REACH Coalition.

Dr. Bogen introduced Dannai Wilson, Program Manager Office of Family and Child Health, who provided an overview of the work she and her team perform. The ACHD is second only to the Allegheny County Department of Human Services in providing services to families across Allegheny County. The Office of Family and Child Health focuses on prevention and education with the largest portion of its work dedicated to home visits performed by public health nurses. In addition to home visits, Ms. Wilson explained that the Office of Family and Child Health conducts community and provider engagement, prevention and education outreach as well as fatherhood services. The Office of Family and Child Health also emphasizes the review and analysis of infant and child deaths in our county to develop future strategies for promoting family and child health.

Dr. Portlock asked about the role of the Office of Family and Child Health in supporting families during COVID. Ms. Wilson recounted efforts to provide personal protective equipment, to help families navigate websites for testing and vaccines, and to share information on the importance of vaccines in preventing disease.

5. New Business – Action Items

1. Revisions to Article XXI: Air Pollution Control

A. Coke Oven Regulations

Dean DeLuca, Air Quality Program Manager, presented proposed revisions to coke oven regulations in Article XXI: Air Pollution Control. Mr. DeLuca asked the Board of Health to approve sending the proposed revisions out for public comment.

Mr. DeLuca reviewed the operations of a coke oven battery and the ways in which the regulations sought to control pollution emissions. He explained that these revisions had previously been approved for public comment and that the Air Quality Program had received nearly 600 comments from the public. However, United States Steel, which operates the coke works in the

City of Clairton, had filed an appeal under the 2019 U.S. Steel Settlement Agreement and Order. The proposed revisions before the Board of Health include adjustments based on the dispute resolution process laid out in the aforementioned agreement.

Mr. DeLuca announced that the Air Quality Program has created a website with all the information and the history of the process as well as a comment-response document for the comments received during the 2020 public comment period.

He concluded by asking for approval to send the proposed regulation to the public for comment.

Action: Dr. Harrison asked for a motion. Mr. Youngblood moved to approve sending the proposed revisions to Article XXI: Air Pollution Control for public comment. Dr. Ellen Stewart seconded the motion. **The Board approved the motion unanimously.**

B. Incorporation by reference of the Pennsylvania Oil & Gas Regulations

Jayne Graham, Air Quality Program Manager, requested approval to send additional revisions to Article XXI: Air Pollution Control to the public for comment. She explained that the Air Quality Program proposed incorporating by reference the Commonwealth's regulations controlling the emission of volatile organic compounds (VOC) at oil and gas sites. This is part of the Commonwealth's ozone control plan. Ms. Graham reported that this would not place an extra burden on the Air Quality Program and requested permission to go to public comment.

Action: Dr. Harrison asked for a motion. Mr. Youngblood moved to send the proposed revisions to the public for comment and Dr. Kondaveeti seconded the motion. **The Board passed the motion unanimously.**

2. Revisions to Article XXIV: Paid Sick time

Mr. Dowd presented proposed revisions to Article XXIV: Paid Sick Time and requested final approval of the revisions. Mr. Dowd reminded the Board they had approved Article XXIV in September 2021 and had sent this proposed revision out for public comment. The proposed revisions would provide an exemption for employees of construction trade unions covered by collective bargaining agreements. He summarized the public comments.

Following the presentation, the members of the Board had a lengthy discussion of the comments received regarding the exclusion of substitute teachers, as was suggested in public comments.

Ms. Mitchell moved to table the proposed revisions for further review and consideration. No second was forthcoming.

Action: Dr. Harrison asked for a motion. Dr. Don Burke moved to approve the proposed revisions to the Article XXIV: Paid Sick Time. Dr. Portlock seconded the motion. **The Board approved the motion 6-3.**

6. Public Comments on Non-Agenda items

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

Jay Ting Walker, Matthew Nemeth, Riley Mahon and Patrick Campbell all spoke on air quality. Thaddeus Popovich spoke about the environment and climate. Lorraine Starsky spoke on reaccreditation work and retention efforts. Angelo Taranto spoke on the Metalico fire on April 14, 2021. Kurt Barshick spoke on Air Episode Mitigation Plans. Matthew Mehalik spoke on coke oven regulations.

Dr. Harrison asked for a summary of written comments on non-agenda items and Mr. Dowd explain the ACHD received no such comments.

7. Adjournment

Dr. Harrison adjourned the meeting at approximately 2:45.

For Board of Health review May 4, 2022.

The Air Program is seeking Board approval to submit this **Request for Delegation of Authority** to public comment.

(The Air Advisory Committee recommended such approval at their April 11, 2022 meeting.)

ALLEGHENY COUNTY HEALTH DEPARTMENT

Proposed for Public Comment

Request for Delegation of Authority

to Implement the

Federal Plan for Municipal Solid Waste Landfills

(Tracking No. 99)

(Tracking No. 99)

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A. Letter to be sent to the U.S. EPA requesting delegation of authority to implement the Federal Plan for Municipal Solid Waste Landfills

Ms. Cristina Fernandez, Director
Air Protection Division
U.S. Environmental Protection Agency
Region III (3AP00)
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Request of Delegation of Authority to Implement the Federal Plan for MSW Landfills

Dear Ms. Fernandez:

Regarding the “Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Constructed on or Before July 17, 2014, and Have Not Been Modified or Reconstructed Since July 17, 2014,” found at 40 CFR Part 62, Subpart OOO, promulgated on May 21, 2021 pursuant to §111(d) of the Clean Air Act for purposes of implementing the emission guidelines at 40 CFR Part 60, Subpart Cf, the Allegheny County Health Department (ACHD) requests full delegation to Allegheny County of authority to implement the Federal plan.

An attachment is enclosed that demonstrates that the ACHD has adequate resources as well as the legal and enforcement authority to administer and enforce the Federal Plan for MSW Landfills. Emission inventory information is also included in the attachment for the three existing facilities in Allegheny County affected by the Federal plan.

Based on the information in the attachment, ACHD requests that the EPA approve the §111(d) request for delegation of authority for MSW Landfills in Allegheny County.

Note that ACHD does have an existing MSW Landfills 111(d) plan as defined by 40 CFR §62.9630, and, therefore, does need to request the EPA to withdraw that MSW Landfills plan should the EPA approve this request for delegation.

If you have any questions or require additional information, please contact Thomas Lattner.

Sincerely,

Jayme Graham
Manager – Air Program

B. Attachment to Letter

I. Background

The Clean Air Act requires the U.S. Environmental Protection Agency (EPA) to establish performance standards for Municipal Solid Waste Landfills pursuant to section 111 of the Act. On August 29, 2016, the EPA promulgated New Source Performance Standards (NSPS) for "new" MSW Landfills and Emission Guidelines (EG) for "existing" MSW Landfills. The NSPS are directly enforceable Federal regulations. EG, on the other hand, promulgated under section 111(d) of the CAA, establish criteria for state and local agencies to develop control strategies for "existing" landfills. The EG are not themselves directly enforceable. Instead, states must submit to the EPA a Plan to implement and enforce the requirements of the EG.

If states fail to submit such plans, the EPA is required to develop, implement, and enforce a Federal plan for MSW Landfills located in any states that have not submitted an approvable plan. Several states and local agencies, including Allegheny County, have not submitted state 111(d) plans for their MSW Landfills. Therefore, on May 21, 2021 (86FR27756), the EPA promulgated "Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014, and Have Not Been Modified or Reconstructed Since July 17, 2014," found at 40 CFR Part 62, Subpart OOO, ensuring implementation and enforcement of the EG until such states submit approvable plans.

As an alternative to submitting a state plan, EPA allows that a state may also meet its CAA section 111(d) obligations by submitting an acceptable written request for delegation of authority of the federal plan (86FR27766, May 21, 2021). This is the approach being taken by Allegheny County in submitting this request for delegation of authority to implement and enforce the Federal MSW Landfills Plan of 40 CFR 62, Subpart OOO.

86 FR 27756 Section VI.D states that if a state intends to take delegation of the Federal plan, the state must submit a written request for delegation of authority to the appropriate EPA Regional office. The state must explain how it meets the criteria for delegation. The letter requesting delegation of authority to implement the federal plan must:

- (1) Demonstrate that the state has adequate resources, as well as the legal authority, to administer and enforce the program;
- (2) include an inventory of designated MSW landfills, and an inventory of the designated units' air emissions;
- (3) certify that a public hearing was held on the state delegation request; and
- (4) include a Memorandum of Agreement between the state and the EPA that sets forth the terms, conditions of the delegation, the effective date of the agreement and the mechanism to transfer authority. Additional guidance and information are given in the EPA's "Good Practices Manual for Delegation of NSPS and NESHAP, 1983."

What follows is a demonstration that Allegheny County meets these requirements.

II. Demonstration of Adequate Resources

The following paragraph demonstrates that the County has adequate resources to administer the program as required by 86 FR 27766 (May 21, 2021).

The Allegheny County Health Department will be the implementing agency, and its Air Quality Program will be assigned to implement and enforce the requirements of 40 CFR Part 62, Subpart OOO. There are approximately fifty (50) employees in the Air Quality Program, including a deputy director, program manager, administrators, chemical engineers, civil engineers, electrical engineers, chemists, technicians, inspectors, and clerical staff. Within the Engineering and Enforcement Sections, there are approximately twenty (20) employees with work duties focusing on permitting and enforcement. Personnel experience is an integration of permitting, chemical plant and refining operations, metal processing, industrial and environmental process control, industrial hygiene and toxicology, and hazards analysis. The Air Quality Program also includes planning, process auditing, personnel training, field inspections, analytical techniques, environmental monitoring, data analysis, and asbestos remediation.

III. Demonstration of the County's Legal Authority to Administer and Enforce the Federal MSW Landfills Plan

The following paragraphs demonstrate that the County has the legal and enforcement authority to enforce the program as required by 86 FR 27766 (May 21, 2021), and the legal authority to carry out the plan as required by 40 CFR §60.26, Legal Authority.

The Allegheny County Health Department has the authority to make regulations, if necessary, and enforce regulations to implement this plan through the following authority: Pennsylvania Air Pollution Control Act, 1960, Jan. 8, P.L. (1959) 2119, as last amended 1992, July 9, P.L. 460, No. 95, 35 P.S.; Local Health Administration Law, 1951, Aug. 24, P.L. 1304, as last amended 1990, Dec. 17, P.L. 717, No. 179, 16 P.S.; Second Class County Code, 1953, July 28, P.L. 723, as amended 1977, Dec.1, P.L. 234, No. 74, 16 P.S.; Rules and Regulations of the Allegheny County Health Department, Article XXI, Air Pollution Control, County Ordinance 16782, as adopted March 15, 1995, and September 6, 1995, by the Allegheny County Board of Health, effective October 10, 1995.

The Department has sufficient statutory and regulatory authority under its installation permit and operating permit programs to implement the Plan. The Department is authorized to revise any permit to incorporate applicable standards and regulations promulgated under the CAA after issuance of such permit. Section 2109 of Article XXI authorizes the Department to issue enforcement orders to aid in the enforcement of the provisions of the Act or its implementing regulations. Such orders may include orders to cease unlawful activities and to take corrective action. The Department also has the authority for modifying, suspending, terminating, or revoking an installation permit or an operating permit. In accordance with Article XXI §2103.10.b, no MSW landfill is allowed to operate in Allegheny County without an operating permit; the revoking of a permit is the same as shutting down a source.

The County may obtain information necessary to determine compliance with the federal plan. Section 2108.01.f provides that the source must provide whatever information the Department requires for the assessment of an actual or potential contribution of the source to air quality. The County makes these and all other information available for inspection by the public, excepting that which would disclose methods or processes protected as trade secrets, under the laws of the United States. Section 2101.07.d of Article XXI explains this availability of data, and this includes all emission records.

In accordance with section 2109.01 of Article XXI, a source shall allow the Department access to such facilities to inspect, at reasonable times, facilities and

equipment including monitoring and air pollution control equipment. The Department also has authority under section 2108.02.d to conduct emissions testing on any source or air pollution control equipment.

In accordance with Article XXI sections 2108.03.c & d, and 2108.04, the Department has authority to require owners or operators to install and operate emissions monitoring equipment and to submit periodic reports of the data to the Department.

IV. Inventory of Sources and Emissions

There are only three MSW Landfill facilities in Allegheny County that are subject to the Federal Plan. They are as follows:

Landfill Name As identified in the ACHD permit	ACHD Permit #	Pa DEP Solid Waste Permit no.	Location (Lat/Long)	Estimated Emissions (TPY) of NMOC
Allied Waste Systems of PA, LLC: Allied Imperial Landfill (Imperial, PA) (Formerly Browning-Ferris International)	0068-OP19a June 6, 2019	100620	40° 26' 54" 80° 16' 31"	61.87
Chambers Development Company, Inc.: Monroeville Landfill	0215-OP19a February 8, 2019	100594	40° 24' 10" 79° 47' 14"	42.37
Kelly Run Sanitation, Inc.: Kelly Run Landfill (Forward Twp.)	0190-OP18a August 16, 2018	100663	40° 15' 02" 79° 52' 49"	16.64

V. Compliance Schedules – 40 CFR §62.16712

Planning, awarding of contracts, installing, and starting up MSW landfill air emission collection and control equipment that is capable of meeting the emission standards of 40 CFR 62.16714 must be completed within 30 months after the date an NMOC emission rate report shows NMOC emissions equal or exceed 34 megagrams per year; or within 30 months after the date of the most recent NMOC emission rate report that shows NMOC emissions equal or exceed 34 megagrams per year, if Tier 4 surface emissions monitoring (SEM) shows a surface emission concentration of 500 parts per million methane or greater. Legacy controlled landfills that have not yet reached increment 5 (full compliance) must demonstrate compliance with any remaining increments of progress on this schedule.

Owners or operators of each designated MSW landfill listed in Section IV, “Inventory of Sources and Emissions,” of this letter must comply with the emission limitations according to the compliance schedule prescribed in 40 CFR 62.16712. ACHD will follow the dates and requirements in the Federal Plan. The owners or operators of designated MSW landfills subject to 40 CFR Part 62, Subpart OOO shall comply with all the Subpart OOO requirements regardless of whether a designed facility is identified in the source inventory.

VI. Certification of Hearing

A public hearing was conducted on (*insert date of hearing*). The hearing was held in accordance with the requirements of 40 CFR Part §60.23. A copy of the public notice (*will be*) attached. A listing of commenters and their organizations, and a summary of their statements, (*will also be*) attached.

VII. Memorandum of Agreement

The Allegheny County Health Department commits to enter into a Memorandum of Agreement with the Regional Administrator who sets forth the terms, conditions, and effective date of delegation. This serves as the mechanism for the transfer of authority, as described in 86 FR 27766.

C. Documentation of Public Hearing and Certifications

1. Public Hearing Notice (Later)
2. Proof of Publication of Hearing (Later)
3. Notices to US EPA and PA DEP (Later)
4. Certification of Hearing (Later)
5. Summary of Comments and Responses (Later)

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.



Article III “Food Safety” Repeal and Replace: Public Comment Period Overview & Summary of Notable Changes

The Board of Health approved a Public Comment Period of 75 days for the proposed repeal and replace of Article III “Food Safety” on Nov. 3, 2021. The Public Comment Period was held from November 12, 2021 through January 24, 2022. In addition to accepting written comments, oral testimony was also compiled at a Virtual Public Hearing that was held on January 20, 2022. Fourteen members of the public gave oral testimony at the Hearing. Throughout the comment period, ACHD and the Food Safety Program performed outreach activities to encourage comment from all corners of the food sector. A wide spectrum of the food sector ultimately submitted comments, with submissions received from brick and mortar food facilities, mobile vendors, event organizers, nonprofit facilities, transportation and delivery services, professional organizations, policy and educational groups, and the general public.

At the close of the Public Comment Period, the BOH received over 650 submissions, including both written and oral testimony. ACHD drafted a Comment and Response document that considers 202 unique comments compiled from submissions. Actions the Department has and will continue to take in response to public comment include:

- Revising the proposed language of Art. III.
- Creating new guidance documents for food facility operators and revising existing guidance to align with proposed changes.
- Identifying opportunities for greater accessibility, including further enhancing the readability of the final Art. III document and translating select public-facing materials into relevant languages.
- Reviewing and improving internal policies and procedures.
- The Food Safety Program is also pursuing or boosting activities that complement the update to Article III and that address comments on issues outside of the scope of the Article, including: updating the fee schedule, performing educational outreach to members of the food industry, updating the program’s website, and updating IT for internal and external use.

The below summary captures the first of these actions, outlining the most notable proposed language changes found in the new draft of Article III. Page numbers correspond to the Proposed Article III Revision document.

Notable Changes Drafted in Response to Public Comment:

- §302 Food Permits: Language outlining nonprofit/community groups that are subject to classification and permitting has been moved from the “General” to the “Fees” subsection. This change reflects that nonprofit status can have an impact on permitting and planning fees but is not a factor when determining classification. **p. 5**
- §304 Food Facility Plans and Applications: Language was added to clarify that the replacement of equipment with a similar item or alterations that are strictly cosmetic in nature are not subject to plan review. **p. 8**
- §305 Inspections: Clarifying language added to the requirement that food facilities that operate on an irregular basis shall provide the Department with planned or anticipated dates of operation. **p. 10**
- §310 Utensil Handling and Storage: **Subsection 310.4 “Returnable Items” was added.** The subsection outlines the cleaning, durability, and construction requirements for returnable items and adheres to language that appears to the FDA Food Code. **p. 16**



Article III “Food Safety” Repeal and Replace: Public Comment Period Overview & Summary of Notable Changes

- §311 Cleaning and Sanitization of Equipment and Utensils: **Subsection 311.5 “Alternative Manual Cleaning and Sanitizing” was added.** The subsection provides approved procedures for when washing in a three-compartment sink or dishwasher is unavailable or impractical. This subsection and other clarifying language throughout the section was added in response to public comment. Subsection 311.2 “Cleaning Frequency” was amended to place language from the FDA Food Code directly in the text rather than adopting requirements by reference. **p. 21**
- §316 Animals in Food Facilities: Section 316.1 was amended to reflect the need for approval from the Department for pet areas external to the food facility. Section 316.2 “Pet Friendly Areas” has been removed from the proposed regulation and its provisions that are consistent with PA Department of Agriculture requirements will be incorporated into an internal pet friendly approval process and an external guidance document for food facility operators. **p. 25**
- §321 Plumbing: Section was revised to reflect the requirements for the use of two compartment sinks after prior approval from the Department. **p. 29**
- §325 Certified Food Protection Managers: Updated to reflect that nonprofit/community groups outlined in section 302.3 (D) are exempt from the Certified Food Protection Manager requirement, in accordance with the Food Employee Certification Act. **p. 32**
- §332 Food Storage: “TCS Food in a Homogenous Liquid Form” was moved from 332.3 (C) into the subsection 332.5 for clarity and readability. Subsection 332.6 “Date Marking of Food” was expanded to assist in clarifying activities separate from labeling and includes information for both refrigerated and frozen foods. **p. 41**
- §333 Food Preparation: **Subsection 333.9 “Food Labels” was added.** This section is intended to address common confusion differentiating between date marking and labeling and its language aligns with the FDA Food Code. **p. 48**
- §334 Food Display and Service: **Subsection 334.3 “Food Delivery” was added.** The subsection specifies the responsibilities of food facilities that use a delivery service or deliver directly to consumers. The subsection also clarifies that food in the possession of delivery services, as defined in the Article, is outside of the scope of the Article. **p. 50**
- §335 Donation of Foods: Revisions were made throughout to provide improved readability and to further align the section with the Bill Emerson Act and the PA Food Donation Limited Liability Act. Language requiring donors to have knowledge of end-user intent was removed and the subsection 335.6 “Receiving Donated Foods” was added. **p. 52**
- §336 Transportation of Food: Revisions were made throughout to provide improved readability and to distinguish transport from delivery. **p. 53**
- §332 Effective Date: **Effective date was added.** **p. 70**
- §353 Definitions: Definitions for **delivery** and **transport** were added to aid in distinguishing the two activities. Full descriptions were added for **low, medium, and high risk factors**. **Food preparation** and **packaging** definitions were revised for clarity. **p. 70**
- §354 Tables: The tables referenced in the Article were given their own section so as to give uniformity in their citation and to ease readability by placing the tables in one set location. **p. 83**



Article III “Food Safety” Repeal and Replace: Public Comment Period Overview & Summary of Notable Changes

How to Read the Redline Proposed Article III Revision:

Plain text	Language that has not changed from the original Article III
Strikethrough text	Language from the original Article III proposed to be removed
<u>Bold and underline text</u>	Language that is proposed to be added to Article III. This includes revised language as well as new content.
Red-strikethrough text	Language from the original Article III proposed to be removed after the close of the Public Comment Period
<u>Red bold and underline text</u>	Language that is proposed to be added to Article III after the close of the Public Comment Period. This includes revised language as well as new content.

Summary of Public Comments and Responses for the Proposed Repeal and Replace of
Allegheny County Health Department Regulation: Article III ‘Food Safety’
Comments received on or before January 24, 2022

COMMENT	COMMENTER(S)
Section 301 (A) Applicability	
1. I recommend that the ACHD recognize permits issued by the Department of Agriculture for facilities whose base of operations is located outside of Allegheny County.	Michele Cuesta
<u>Response:</u> The recognition of permits issued by the Department of Agriculture would be a part of a separate regulatory update that would happen in conjunction with the State. ACHD does recognize permits from other jurisdictions; however, mobile vendors will still be required to obtain an ACHD food permit to operate in Allegheny County.	
Section 302.1 (D) Food Permits; General	
2. I recommend adding clearer language and guidance that outlines how the Department determines if a nonprofit is subject to permitting.	Lauren Babich
<u>Response:</u> ACHD has revised language to provide clarity for entities that require permits by moving the descriptions of various non-profit organizations to the Fees in section 302.3. The for-profit or non-profit status of an entity does not affect their Classification which is based on the facility’s food handling practices. Their non-profit status may affect their permitting fees.	
3. I recommend adding language outlining instances where nonprofits are exempt from provisions in Article III. For example, the PA Department of Agriculture provides guidance about exemption of nonprofits from Food Protection Manager Certification and offers an alternative Food Safety course specifically for nonprofits.	Lauren Babich
<u>Response:</u> ACHD has revised language to provide clarity for exemptions to the Certified Food Protection Manager requirement in section 325 (E). ACHD encourages operators to take advantage of PA Department of Agriculture trainings. If requested, the Food Safety Program can provide specific on-site training.	
Section 302.2 Food Permits; Classification	
4. What classification will a facility fall under that prepares food with milk and butter that results in a product that is a non-Time and Temperature Control for Safety (TCS) food?	Dave Romesburg

COMMENT	COMMENTER(S)
<p><u>Response:</u> All classes will be verified during an on-site evaluation at the food facility. Currently as described in the proposed updates, an operation handling foods that require refrigeration and preparing a non-TCS food product is considered a Class III.</p>	
<p>5. I recommend that the Classification system be communicated in a lay-person manner on the ACHD website to assist businesses in understanding what category they fall under.</p>	<p>Dawn Plummer</p>
<p><u>Response:</u> ACHD will conduct outreach and disseminate materials to help facilities understand how their operations align with the new Classification structure.</p>	
<p>6. What classification will a facility fall under that does not prepare food on-site but that does hold hot food and refrigerate food, such as senior centers?</p>	<p>Gretchen</p>
<p><u>Response:</u> All classes will be verified during an on-site evaluation at the food facility. Given the description provided, additional information would be needed to determine classification. A Class I is a food facility that only handles prepackaged food that does not require refrigeration; a Class II is a food facility that handles commercially prepackaged food that does require refrigeration such as, but not limited to, milk, eggs, and cheeses; a Class III is a food facility that handles Time and Temperature Control for Safety (TCS) food and regularly prepares food for same day service without a cooling step; and a Class IV is a food facility that handles TCS food with complex food preparation steps such as cooling, reheating, and hot holding.</p>	
<p>7. What classification will Home Delivered Meals fall under?</p>	<p>Gretchen</p>
<p><u>Response:</u> <i>See response to Comment 6.</i></p>	
<p>8. How will the changes to Article III affect senior centers?</p>	<p>Gretchen</p>
<p><u>Response:</u> Updates to Article III will guide the operations of all permitted facilities in Allegheny County. The ACHD Food Program is available to consult on a case by case basis to assist facilities in understanding their responsibilities as outlined in the Article.</p>	
<p>9. How will the changes to Article III affect Home Delivered Meals?</p>	<p>Gretchen</p>
<p><u>Response:</u> Updates to Article III will guide the operations of all permitted facilities in Allegheny County. The ACHD Food Program is available to consult on a case by case basis to assist facilities in understanding their responsibilities as outlined in the Article. Operations solely involved in the transport of food products are not subject to our direct regulatory oversight.</p>	
<p>10. I do not believe changes to Article III will change our operations. We receive Time and Temperature Control for Safety (TCS) food frozen and we serve Meals on Wheels frozen.</p>	<p>Thomas Berna</p>
<p><u>Response:</u> <i>See response to Comment 6.</i></p>	

COMMENT	COMMENTER(S)
<p>11. While Classifications are defined, there is no clear guidance on how requirements differ between each of the classes.</p>	<p>Lauren Babich</p>
<p><u>Response:</u> The Class structure is based on the food handling practices of the facility and the level of risk involved. All classes will be verified during an on-site evaluation at the food facility. ACHD will be drafting additional guidance documents, including updating its current minimum requirement documents, to reflect the new Class structure.</p>	
<p>12. For organizations classified as Class 1, please develop a registration application that is designed specifically with Class 1 organizations in mind to ensure that the process is as simple as possible.</p>	<p>Lauren Babich</p>
<p><u>Response:</u> The registration application for Class I facilities will be distinct from the permitting application for Class II to Class IV facilities. ACHD will be conducting outreach and generating guidance materials specific to those subject to Class I requirements in advance of the implementation of the revised Article III.</p>	
<p style="text-align: center;">Section 302.2 (A) Food Permits; Classification</p>	
<p>13. I recommend allowing exceptions to being classified as a Class I for select exempt organizations, such as school Backpack programs where bags of prepackaged food are delivered a few days before distribution.</p>	<p>Lauren Babich</p>
<p><u>Response:</u> Food operators that meet the definition of a food facility will continue to be subject to ACHD's regulatory oversight.</p>	
<p style="text-align: center;">Section 302.3 (C) Food Permits; Fees</p>	
<p>14. The requirement that “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...” would place an undue burden on nonprofits and churches that host multiple programs in the same building and would be inefficient for the Health Department. For example, a church may host a food pantry, a Meals on Wheels program, an afterschool program serving meals, and church social events all within the same structure.</p>	<p>Lauren Babich</p>
<p>RESPONSE: Section 302.3 (C) was intended to apply to facilities where more than one physical food facility operates within one building, such as multiple food vendors operating within a stadium. The language has been revised to provide further clarity. For operations like</p>	

COMMENT	COMMENTER(S)
<p>those described in the comment, a food permit is required for the person or party responsible for food safety and handling. Operators interested in running or hosting multiple programs out of a single facility should be reminded that they are ultimately responsible for permitting, complaint investigation, and enforcement actions. Section 302.1 has been amended to reflect this requirement. The ACHD Food Safety Program is available to consult on a case by case basis to assist facilities in understanding their responsibilities as outlined in the Article.</p>	
<p style="text-align: center;">Section 303.1 Placarding of Food Facilities; General</p>	
<p>15. Will the Department send a representative to hang placards at all entrances or will they send placards to each location that needs more to fulfill the requirement?</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>
<p><u>Response:</u> The Food Safety Program will continue to post placards at all entrances of the facility. Inspectors will replace or add stickers where needed during routine inspections. Facilities can also request for an inspector to replace or add a placard.</p>	
<p>16. Does the requirement for placards at drive through service windows apply to pharmacy drive-thrus where food is not purchased through the drive-thru option?</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>
<p><u>Response:</u> No, this requirement does not apply to drive thru windows where food is not normally provided to a consumer.</p>	
<p style="text-align: center;">Section 303.3 Placarding of Food Facilities; “Consumer Alert” Placard</p>	
<p>17. When ordering a facility closed after the 10 day Consumer Alert period, are only recurrent high and medium risks violations taken into consideration or are new findings factored into a Closure Order?</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>
<p><u>Response:</u> Closure orders are based on conditions observed upon inspection. During a re-inspection following a Consumer Alert, all the medium or high risk violations that were identified in the original inspection are reassessed. If additional medium or high risk violations are observed, they will be considered when determining the placard status of the facility. Facilities found to have new imminent hazards will also be subject to Closure orders.</p>	
<p>18. When ordering a facility closed after the 10 day Consumer Alert period, do closures occur due to medium risk findings?</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>
<p><u>Response:</u> Closures due to 'Imminent Health Hazards' are typically not the result of medium risk violations. Closures after a Consumer Alert or a Pre-suspension hearing may be prompted by multiple medium risk violations or a combination of different levels of violations.</p>	
<p>19. When ordering a facility closed after the 10 day Consumer Alert period, should closures occur due to high risk findings only?</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>

COMMENT	COMMENTER(S)
<p><u>Response:</u> Closures after a Consumer Alert or a Pre-suspension hearing may be prompted as a result of multiple medium and/or low risk violations, as well as in response to high risk violations. Guidance as it relates to Closures and permit reinstatement are outlined in sections 343 “Suspension of a Food Permit - Imminent Health Hazard,” 344 “Suspension of a Food Permit Non-Imminent Hazard,” and 345 “Reinstatement of a Health Permit.”</p>	
<p style="text-align: center;">Section 304.2 (A) Food Facility Plans and Applications; Plans and Fees- Contents and Review</p>	
<p>20. Changes to the requirement to submit plans in the case of major renovations require breweries and other business owners to file for permits and/or undergo inspections while making changes that previously did not require these actions. These changes do not serve the public and create unnecessary hassles to business expansion and business transfer plans.</p>	<p>Robert Dillman, Brian Eaton, Alan Grasso, Matthew Katase, Joshua Lipke, Stephanie Lipke, Matt McMahon, Mike Tysarczyk</p>
<p><u>Response:</u> The requirement to submit plans before remodeling a food facility has not changed. This subsection has been amended to clarify that the routine replacement of commercial equipment and alterations that are limited to cosmetic changes in customer areas that do not alter pest control will not trigger plan review.</p>	
<p>21. I recommend returning to the original language in Article III, where plan review occurs when a facility is, ““Remodeled or altered extensively, or whenever 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.”</p>	<p>Erik Schlaich</p>
<p><u>Response:</u> <i>See response to Comment 20.</i></p>	
<p>22. The language for the requirement to submit plans when replacing "any new major food equipment" is too subjective and could result in inconsistent interpretations from facilities, inspectors, and plan review specialists. “New major food equipment” should be clearly defined.</p>	<p>Robert Dillman, Brian Eaton, Alan Grasso, Matthew Katase, Joshua Lipke, Stephanie Lipke, Matt McMahon, Mike Tysarczyk, Erik Schlaich</p>
<p><u>Response:</u> The routine replacement of commercial equipment on its own will not trigger plan review.</p>	
<p>23. The requirement to submit plans when replacing "any new major food equipment" is overly burdensome as equipment breaks or needs to be replaced regularly.</p>	<p>Anonymous, Stephanie Morales, Erik Schlaich</p>

COMMENT	COMMENTER(S)
<u>Response:</u> See response to Comment 22.	
<p>24. I am concerned that the Department does not have the capacity to process the amount of plans submitted to meet the requirement to submit plans when replacing "any new major food equipment" and that both food service and Department operations will be slowed as a result.</p>	Anonymous, Erik Schlaich
<u>Response:</u> See response to Comment 22.	
<p>25. I recommend that equipment replacement where new equipment of similar functionality to that of the prior equipment is installed be excluded from the plan review process.</p>	Erik Schlaich
<u>Response:</u> See response to Comment 22.	
<p>26. I recommend, should the requirement stand that one-off equipment updates need to be reported, that approval is handled by the inspector in that area instead of triggering the full plan review process.</p>	Erik Schlaich
<u>Response:</u> See response to Comment 22.	
<p>27. A possible revision to this section would be to require plan review anytime more than 50% of equipment is changed or when processes are changed significantly, for example when rethermalizing as opposed to cooking or baking from raw.</p>	Anonymous
<p><u>Response:</u> Generally, ACHD uses the replacement of a majority of equipment as a benchmark for plan review, however facilities that are extensively altered will also require plan review. To the extent that operators are unsure if their activities will require plan review, they should contact their local inspector for consultation.</p>	
<p>28. Requirements that a new owner of an existing permitted business must submit plans for review and approval would force a purchaser of an existing permitted restaurant to go through a de novo review of an existing, permitted restaurant, even if the purchaser does not intend to make any changes. Purchasers would no longer be able to rely on the inspected and permitted status of an existing restaurant in making an offer to purchase, and sellers would not have the security of knowing</p>	Robert Dillman, Brian Eaton, Alan Grasso, Matthew Katase, Joshua Lipke, Stephanie Lipke, Matt McMahon, Mike Tysarczyk

COMMENT	COMMENTER(S)
that their existing permitted restaurant can be sold as a turnkey establishment.	
Response: As outlined in Section 302.1 (C), permits are not transferable. The change of ownership plan review is based on current internal ACHD Food Safety Program processes and are similar to the process required by the PA Dept of Agriculture for changes of ownership. The intent was to place the information in the regulation so everyone would know the requirements prior to applying for new permit.	
29. “Change of ownership” is not well defined, and could be broadly interpreted to include reorganizations, the addition of new investors, or less than complete transfers of shares, membership interests or partners of restaurants that are otherwise permitted and making no substantial changes.	Robert Dillman, Brian Eaton, Alan Grasso, Matthew Katase, Joshua Lipke, Stephanie Lipke, Matt McMahan, Mike Tysarczyk
Response: Change of Ownership is meant to only include changes of the legal owner from one entity to another. Internal business organizational changes that do not result in a change to the legal owner are not changes of ownership. An example of a change of ownership would be a change of Employer Identification Number.	
30. I recommend that the requirement that a new owner of an existing permitted business must submit plans for review and approval be removed.	Robert Dillman, Brian Eaton, Alan Grasso, Matthew Katase, Joshua Lipke, Stephanie Lipke, Matt McMahan, Mike Tysarczyk
Response: As outlined in Section 302.1 (C), permits are not transferable. The Change of Ownership application requirement is consistent with PA Department of Agriculture policy and procedures.	
31. I recommend that neighborhood inspectors handle change of ownership inspections and reviews unless the restaurant is closed for a period of more than a year or makes major changes to equipment or facilities.	Robert Dillman, Brian Eaton, Alan Grasso, Matthew Katase, Joshua Lipke, Stephanie Lipke, Matt McMahan, Mike Tysarczyk
Response: A majority of change of ownership applications are reviewed by area inspectors and supervisors and do not go through a full plan review. If the facility is deemed to be out of business for longer than 6 months the facility will go through the full plan review process. This requirement is in alignment with the PA Department of Agriculture. ACHD will add guidance on this process to the Change of Ownership application.	
32. Who is to notify the Health Department when a change of commissary takes place? The owner of the business or the previous commissary?	Stephanie Morales
Response: The owner of the mobile food facility or catering business that plans to change their commissary for their operations would complete the Change of Commissary application.	
Section 304.2 (B) Food Facility Plans and Applications; Plans and Fees- Contents and Review	

COMMENT	COMMENTER(S)
<p>33. I think the use of the term “volume” is a slippery slope for the projected client and it should be removed from the requirement of submitting, “Anticipated volume of food to be stored, prepared, and sold or served.”</p>	Stephanie Morales
<p><u>Response:</u> This requirement aligns with the Model Food Code Plan Review Guidelines. This information allows the plan reviewer to calculate that there is enough equipment, and dry and refrigerated storage space for the anticipated volume.</p>	
<p>34. The requirement that, “A list of equipment that corresponds to the floor plan and includes the manufacturers’ names, model numbers, dimensions and installation specifications,” is a redundant step as plans change rapidly and upon availability. If this requirement is included in the Article to ensure that the applicant has adequate space for their operation, then it should just be a part of the floor plan for review.</p>	Stephanie Morales
<p><u>Response:</u> The list of equipment including the model numbers is required to ensure that the proposed equipment meets minimum equipment standards of sections 307 “Permissible Equipment and Materials” and 308 “Equipment and Materials, Design and Fabrication.” The corresponding floor plan ensures that the proposed placement of equipment complies with section 309 “Equipment Installation and Location.”</p>	
<p>35. Exactly what does one's sales tax license have to do with safeguarding public health? Requiring facilities to show proof that the proprietor has applied for or received a sales and use tax license or exemption certificate from the PA Department of Revenue is an overreach by the Department.</p>	Stephanie Morales
<p><u>Response:</u> This action is required by the PA Retail Food Safety Act, § 5703 (H).</p>	
<p style="text-align: center;">Section 304.3 Food Facility Plans and Applications; Pre-Operational Inspection</p>	
<p>36. If a facility fails its preoperational inspection, does the Department currently charge a fee for subsequent pre-operational inspections and, if so, could this practice be changed where one additional review is instead included in the permit application fee?</p>	Dawn Plummer

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<p><u>Response:</u> It is the expectation that food facilities are prepared and ready for their inspection when they request the pre-operational inspection. Those operators that require repeat pre-operational inspections will be subject to these fees.</p>	
<p>37. Could a preliminary walk through and review be included in the permit application fee?</p>	<p>Dawn Plummer</p>
<p><u>Response:</u> Consultations by area inspectors and supervisors are completed at the discretion of the Food Safety Program but do not replace plan review applications.</p>	
<p>Section 305 Inspections</p>	
<p>38. Providing an annual schedule of planned dates for caterers and mobile food trucks will prove burdensome. This schedule is subject to change, often with little notice.</p>	<p>Food Safety Advisory Committee, Matthew Anselmo, Stephanie Morales</p>
<p><u>Response:</u> ACHD recognizes that many food facilities have fluid operations that are subject to change and it is not the intent to have operators submit a schedule that captures a full year of operations. Language has been added to this subsection to emphasize that schedules are to include anticipated dates of operation, not strictly finalized dates. The requirement to submit a list of anticipated dates and events will allow ACHD to conduct routine inspections. Operators are encouraged to contact ACHD with updates to their planned schedule.</p>	
<p>39. Could the Department contact a business in advance and ask for their schedule for the next few weeks rather than require the facility to submit a schedule annually?</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>
<p><u>Response:</u> <i>See response to Comment 38.</i></p>	
<p>40. Businesses post their schedules to communicate with their customers, could the Department utilize social media and other avenues to determine their location?</p>	<p>Food Safety Advisory Committee, Matthew Anselmo, Stephanie Morales</p>
<p><u>Response:</u> <i>See response to Comment 38.</i></p>	
<p>41. This requirement seems to be focused on regulating noncompliant businesses and is not necessary for businesses that would already comply.</p>	<p>Food Safety Advisory Committee, Matthew Anselmo, Stephanie Morales</p>
<p><u>Response:</u> Considering the inherent difficulty in performing routine, unannounced inspections for mobile operators, transient caterers, and other operators with irregular schedules, it is important for the ACHD to be aware of likely dates, times, and locations of operations for all operators.</p>	
<p>Section 306 Temporary and Seasonal Event Registration</p>	
<p>42. The requirement that both food trucks or stands and event organizers must register for the same event seems a bit excessive. This increases event coordinator and host</p>	<p>Dawn Plummer</p>

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requirements in ways that may be burdensome.	
<p><u>Response:</u> The permitting process for temporary food facilities is distinct from the process for event organizers, which is intended to collect information that only organizers would be able to provide. Food trucks and stands are responsible for submitting details about their temporary food facility and are not responsible for providing event information. Organizers will be asked to submit routine event planning information for the entire event space, such as sewage and waste disposal plans, the expected number of attendees, and the number of toilets provided.</p>	
<p>43. This requirement for event organizers does not appear in the PA Code or FDA Code and is not in place in other parts of the state such as Philadelphia, Bucks, Chester, and Montgomery.</p>	Dawn Plummer
<p><u>Response:</u> Similar administrative processes are found in Erie and Philadelphia Counties. ACHD has the authority to create its own administrative processes that supplement the information in the PA Food Code and other Allegheny County regulations. The event organizer application captures information pertaining to the general public health considerations of the event.</p>	
<p>44. It was recommended by an attendee at an information session we hosted that the Department go further to encourage the creation of sustainable and green waste plans for temporary event registration to support composting and other sustainable practices.</p>	Dawn Plummer
<p><u>Response:</u> This recommendation is beyond the scope of the current regulatory update but may be considered in future revisions to the Health Code.</p>	
<p>45. There is an inconsistency between the proposed Article III language and the outreach material for the Public Comment Period. The Redline Article III document requires event organizers to notify ACHD at least 14 days prior to a planned event. The outreach materials require notification at least 30 days prior.</p>	Jack Dougherty, Dawn Plummer
<p><u>Response:</u> The timeframe that will appear in the final proposed Article III will be 14 calendar days prior to the start of the event.</p>	
<p>46. I recommend adding a process for 'last-minute' or 'spur of the moment' events that may not be able to meet this section's minimum notification requirements.</p>	Jack Dougherty
<p><u>Response:</u> Organizers are strongly encouraged to provide application materials at least 14 days before the start of the event to ensure that planning captures important public health considerations. ACHD will accommodate organizers that submit materials with less than 14 days before the event, but organizers may be subject to an expediting fee.</p>	

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<p>47. I recommend exemptions or reduced fees for event organizers with 501c3 status.</p>	<p>Jack Dougherty</p>
<p><u>Response:</u> ACHD believes the proposed fees for event organizers are nominal and intends to have a reduced rate for operators with 501c3 status. The ACHD Food Safety Program is committed to evaluating the proposed event organizer process and may propose adjustments as necessary.</p>	
<p>48. If there is an event happening where five or more food vendors are present the event organizer needs to do these things correct? And does this mean five or more food vendors all at one time or will this also mean any location who have trucks 1-4x a month?</p>	<p>Israel Morales, Stephanie Morales</p>
<p><u>Response:</u> Yes, if there are five or more food vendors or mobile food facilities operating at a temporary event or a seasonal event at the same time the organizer will be required to complete the event registration. The language in section 306 (A) has been changed to clarify this requirement.</p>	
<p>49. How will these new standards be communicated to event organizers?</p>	<p>Food Safety Advisory Committee, Matthew Anselmo, Israel Morales, Stephanie Morales</p>
<p><u>Response:</u> ACHD will use existing records to identify recurring events that will require registration going forward and notify event organizers. Additional outreach will continue to be performed to event organizers to inform them of regulatory changes. The event organizer application and guidance document will be available on the ACHD Food Safety Program website.</p>	
<p>50. How was the number of five food vendors selected that would trigger this requirement?</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>
<p><u>Response:</u> In general, events featuring five or more food operators gather a large number of attendees that necessitates an increased coordination of garbage, toilets, and waste water disposal.</p>	
<p>51. Will event organizers plan to skirt this regulation by capping their food facilities to four vendors?</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>
<p><u>Response:</u> Events of all sizes are inspected by ACHD Food Safety staff and temporary permits are issued to food vendors. Events with four or fewer vendors do not necessitate the same degree of waste disposal coordination as larger events.</p>	
<p>52. The event organizer requirements, while naturally somewhat more burdensome, do not appear to drastically impact food facility operations.</p>	<p>John Longstreet, Mike Mitcham, Tom Neely</p>
<p><u>Response:</u> ACHD appreciates your participation in the public comment process.</p>	
<p>53. I am concerned that implementation of these requirements could decrease the number of events inside Allegheny County. Event organizers may opt to host</p>	<p>Food Safety Advisory Committee, Matthew Anselmo, John Longstreet, Mike Mitcham, Tom Neely</p>

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<p>their events in less regulated areas, where things are “simpler” to navigate and generally more comprehensible, placing operators located in Allegheny County at a competitive disadvantage.</p>	
<p><u>Response:</u> ACHD believes the proposed event organizer application will be easy to navigate. Organizers will be asked to submit routine event planning information, such as sewage and waste disposal plans, the expected number of attendees, and the number of toilets provided.</p>	
<p style="text-align: center;">Section 311.2 (B) Cleaning and Sanitizing of Equipment and Utensils; Cleaning Frequency</p>	
<p>54. I recommend adding "for Time and Temperature Control for Safety (TCS) foods" for the requirements for dispensing utensils under 334.6 (B)(2). It is unrealistic to assume that all scoops used for the portioning of non-TCS foods would need washed-rinsed-sanitized every 4 hours.</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>
<p><u>Response:</u> The cleaning frequency has been changed in subsections 311.2 and 334.6 to reflect the difference between food items that require refrigeration for safety and those that do not require refrigeration for safety.</p>	
<p style="text-align: center;">Section 311.2 (D) Cleaning and Sanitizing of Equipment and Utensils; Cleaning Frequency</p>	
<p>55. In the case of large events where condiments are depleted rapidly, do the holders need to be both cleaned and sanitized prior to restocking?</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>
<p><u>Response:</u> Yes, condiment dispensers must be cleaned prior to restocking, and food contact surfaces must be sanitized after cleaning in accordance with the Model Food Code. Section 311 has been amended to clarify the cleaning requirement for equipment that is in direct contact with food that does not require refrigeration. This clarification removes references to the MFC for more information and instead includes the language directly into the Article.</p>	
<p style="text-align: center;">Section 311.2 (E) Cleaning and Sanitizing of Equipment and Utensils; Cleaning Frequency</p>	
<p>56. I recommend changing the language that non-food contact surfaces shall "be cleaned as often as is necessary " to remove the accumulation of dust, dirt, food particles, and other debris to instead shall be "kept free of" an accumulation of dust, dirt, food residue, and other debris. Calling out these non-food contact surfaces over others doesn't seem necessary to place into regulation.</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>

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<p><u>Response:</u> The proposed language will be changed to require that non-food contact surfaces of equipment shall be cleaned "as often as is necessary to prevent" the accumulation of dust, dirt, food particles, and other debris.</p>	
<p>Section 312.2 (A) Floors, Walls, and Ceilings; Construction</p>	
<p>57. I recommend that the use of "wood" be added as an acceptable material choice.</p>	<p>Abi Gildea, Mike Tysarczyk</p>
<p><u>Response:</u> Wood that is smooth, durable, and easily cleanable may be used in food preparation, food storage, and warewashing areas; dressing rooms; locker rooms; and toilet rooms.</p>	
<p>58. A "smooth, durable, and easily cleanable" surface is an unachievable and contradictory requirement. "Concrete or pumice blocks and brick", even when sealed, will never be "smooth". I recommend that ACHD reconsider the above language to exclude "smooth."</p>	<p>Abi Gildea, Mike Tysarczyk</p>
<p><u>Response:</u> If used in food preparation, food storage, and warewashing areas; dressing rooms; locker rooms; and toilet rooms then concrete or pumice blocks or bricks must be finished and sealed to provide a smooth surface.</p>	
<p>Section 312.5 Floors, Walls, and Ceilings; Carpeting</p>	
<p>59. Vestibules of retail food facilities and main dining areas that have carpet would be subject to moisture and would therefore not be allowed based on proposed Article language. I recommend this language be removed or reworded to provide clarity.</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>
<p><u>Response:</u> The proposed language has been revised to provide clarity as to where carpeting is and is not permitted within a food facility.</p>	
<p>Section 316.2 Animals in Food Facilities; Pet Friendly Areas</p>	
<p>60. A lot of operators have concerns and questions related to additional obligations when providing for a pet-friendly area at their establishment.</p>	<p>Food Safety Advisory Committee, Matthew Anselmo, John Longstreet, Mike Mitcham, Tom Neely</p>
<p><u>Response:</u> In coordination with the PA Department of Agriculture (PDA), the ACHD will be establishing minimum requirements for pet friendly areas external to a retail food facility. Section 316.1(A)(5) has been amended to reflect this change, adding "with prior approval by the Department." Section 316.2 has been removed from the proposed regulation and provisions consistent with PDA requirements will be incorporated into the pet friendly approval process.</p>	
<p>61. Many food facilities do not want to allow pets in any part of their operation, other</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>

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than those that are currently allowed under ADA and Police dogs on official duty.	
<i>Response: See response to Comment 60.</i>	
62. The inclusion of this section is an improvement over the current prohibiting of pets on the premises.	Dawn Plummer
<i>Response: See response to Comment 60.</i>	
63. The requirement that all dogs have proof of current rabies vaccination may prove difficult to enforce.	Dawn Plummer
<i>Response: See response to Comment 60.</i>	
64. I recommend allowing for small pets to be seated alongside a patron as long as the patron brings a towel, mat or another covering to use.	Kathleen Kovalik
<i>Response: See response to Comment 60.</i>	
65. The proposed Article currently only allows for disposable bowls for use by dogs in pet-friendly areas. I recommend ACHD reconsider this language and include “disposable and reusable,” considering how large of a waste it will be for business owners to throw away many, many disposable dog bowls.	Abi Gildea
<i>Response: See response to Comment 60.</i>	
66. I recommend adding to this section that fresh cold water may be provided to pets in individual disposable containers rather than a communal bowl.	Kathleen Kovalik
<i>Response: See response to Comment 60.</i>	
67. What about restroom use by patron? If the restroom is indoors I recommend allowing patrons to use the restroom with leashed and controlled pet.	Kathleen Kovalik
<i>Response: See response to Comment 60.</i>	
In alignment with the PA Food Code, live animals are not permitted in a food facility except under the circumstances outlined in Section 316.1. Allowing for pets in toilet rooms presents a risk for food contamination.	
68. Would pet walking areas be provided?	Kathleen Kovalik
<i>Response: See response to Comment 60.</i>	
69. If no pet walking areas are provided, would arrangements be offered to the patron to keep food and beverage at	Kathleen Kovalik

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recommended temperature until the patron returns with their pet to table?	
<u>Response:</u> See response to Comment 60.	
Section 317.2 Insects, Rodents, and Pest Prevention and Management; Openings	
70. This section seems to exclude the use of garage doors in taprooms that have an open brewery concept. I recommend ACHD reconsider the language in this section to approve the use of garage doors or rolled up doors, which have become an increasingly popular way for businesses to create better air flow in response to Covid-19 and to include the outdoors in an indoor-only space.	Abi Gildea, Mike Tysarczyk
<u>Response:</u> The proposed language has been revised to clarify as to under which conditions ACHD will consider open air designs. Section 312 (D) was added to clarify the specific areas of food facility that must be protected with closed doors, screened windows, or other type of protection for openings to the outside.	
71. While the language in this section seems consistent with PA and FDA codes, it is a bit vague, specifically, "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."	Dawn Plummer
<u>Response:</u> Section 312 (D) was added to clarify the specific areas of a food facility that must be protected with closed door, screened windows, or other type of protection for openings to the outside.	
Section 319 (D) Water Supply	
72. I agree that it is a good idea that "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." Is there a form, log or inspection required to prove that it is done?	Anonymous
<u>Response:</u> No, there is not a form, log, or inspection required in response to a temporary water interruption. ACHD encourages all operators to adhere to the guidance for temporary water interruptions put forth by organizations including the CDC, the PA Department of Environmental Protection, and the ACHD.	
Section 321 (C) Plumbing	

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<p>73. I feel the requirement that "All food facilities that handle or prepare food must have at least one (1) sink with at least three (3) compartments" should not be so black and white.</p>	<p>Erik Schlaich</p>
<p><u>Response:</u> ACHD will be aligning this section of Article III with state standards in order to make accommodations for two compartment sinks under certain conditions for alternative cleaning procedures.</p>	
<p>74. Will facilities that do not currently meet this requirement be "grandfathered?"</p>	<p>Erik Schlaich</p>
<p><u>Response:</u> <i>See response to Comment 73.</i></p>	
<p>75. Will facilities that do not currently meet this requirement need to make updates to comply with the new rules? This will be very costly and take a significant amount of time and resources to complete.</p>	<p>Erik Schlaich</p>
<p><u>Response:</u> Facilities that are able to meet the standards laid out in the revised Article III will be able to continue to operate with existing equipment. Facilities that do not meet the standard will be required to install a three compartment sink.</p>	
<p>76. I recommend that this section mention the possibility of a variance to the rule. Something like "Facilities that do not meet the 3-bowl sink requirement but do have an approved process and procedure or safe alternate procedure for washing, rinsing, sanitizing, and air-drying utensils and equipment can submit it to the Department for review and approval."</p>	<p>Erik Schlaich</p>
<p><u>Response:</u> A variance would not be required if the facility meets the conditions outlined in the revised proposal for the use of two compartment sinks and secures the approval of the ACHD Food Safety Program.</p>	
<p>77. There are ways to safely operate without a 3-bowl sink, such as closing anytime the dish machine is not operational.</p>	<p>Erik Schlaich</p>
<p><u>Response:</u> Not all permitted facilities are able to secure timely repairs for their dishwasher. In such cases, a three compartment sink serves as a reliable option that meets Article requirements and allows operations to continue safely.</p>	
<p>78. The guidance provided on sinks in Section 321 (C) is inconsistent as it doesn't reference exceptions indicated in Section 340.5 (A).</p>	<p>Lauren Babich</p>
<p><u>Response:</u> The minimum requirements outlined in Article III are based on the services the facility will provide and the procedures they will need to follow to ensure safe food handling. Exceptions outlined in subsection 340.5 (A) apply to Temporary and Seasonal facilities. Temporary and Seasonal food facilities are subject to the same potential for contamination as</p>	

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<p>food served in permanent establishments, however, the limited capabilities and short duration of operation are recognized by less stringent requirements. The requirements in subsection 321 (C) apply to permanent food facilities. Variations on the requirements for permanent facilities would be considered after submitting materials for the variance process.</p>	
<p>79. The guidance provided on sinks in Section 321 (C) is inconsistent as it doesn't reference exceptions indicated in Section 311.4 (D) allowing "dish baskets of such size and design to permit complete immersion..."</p>	<p>Lauren Babich</p>
<p><u>Response:</u> Subsection 311.4 (D) is not an exception to the three compartment sink requirement. This subsection is outlining a specific method for manually sanitizing equipment and utensils which requires the use of a basket to lower items into a sink compartment with water that is being maintained at 171F or higher.</p>	
<p>80. It would be helpful to include more detail about when 3 compartments are actually required. For instance, an educational cooking program for a small group may be using utensils and equipment on a small scale that can be adequately cleaned and sanitized using one sink and two large wash basins. An afterschool program that receives and serves pre-cooked food can safely wash serving utensils using external wash basins.</p>	<p>Lauren Babich</p>
<p><u>Response:</u> The minimum requirements outlined in Article III are based on the services the facility will provide and the procedures they will need to follow to ensure safe food handling. For example, facilities using a limited number of utensils required to distribute food that was prepared off-site will not be held to the same standard as facilities that prepare food on-site. ACHD will update guidance documents to address this concern.</p>	
<p>81. When a sanitizing dishwasher is present, why is it still required to have a 3-bowl sink for wash/rinse/sanitize?</p>	<p>Anonymous</p>
<p><u>Response:</u> See responses to Comments 73 and 77.</p>	
<p>82. Could additional detail be added to allow alternate processes for extra-large utensils? Large items have generally been dipped in sanitizer and allowed to dry or run through a large format dish machine to clean and sanitize. Sinks of a size large enough to handle extra-large utensils are not readily available in commercial markets, are impractical to install and when installed in a new construction can</p>	<p>Anonymous</p>

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significantly skew sewage volume calculations.	
<p><u>Response:</u> Section 321 outlines requirements for plumbing that meets the needs of food facility operations. Section 311.4 (E) provides detail on the proper cleaning and sanitization of large equipment and utensils not intended to be cleaned in a sink. A reference to subsection 311.4 has been added to the proposed Article III language for section 321.</p>	
<p>Section 322 Toilet Rooms</p>	
<p>83. I recommend that it be required that every brick and mortar institution offering food and drink should provide access to at least one private unisex bathroom.</p>	John Lanigan
<p><u>Response:</u> The type and number of toilet rooms made available to the public is governed by Article XV "Plumbing Code."</p>	
<p>Section 322 (C) Toilet Rooms</p>	
<p>84. I recommend the ACHD reconsider the language that doors can't open "directly" into rooms where beverages are being "handled" as this requirement could potentially force taprooms, bars, and restaurants to make unnecessary and costly construction changes.</p>	Abi Gildea, Mike Tysarczyk
<p><u>Response:</u> Section 322 (C) has been revised to include specific areas that toilet room doors are not permitted to directly open into, including food preparation, storage, and warewashing areas. Customer areas are typically not considered to be food preparation areas. Facilities, however, must be evaluated on a case by case basis to determine if areas where beverages are being "handled" is considered a food preparation area or customer area.</p>	
<p>Section 322.2 Toilet Rooms; Toilet Room Maintenance</p>	
<p>85. This section should also include soap, towels, or drying device.</p>	John Rizzo
<p><u>Response:</u> Soap, towels, and drying devices are requirements for handwashing sinks. The requirements for handwashing sinks are outlined in section 323.</p>	
<p>Section 323 (E) Handwashing Sinks</p>	
<p>86. There should not be a minimum temperature requirement for hot water in handwashing sinks as it is antibacterial soap, not hot water, that kills germs and bacteria.</p>	Amanda Morales, Stephanie Morales
<p><u>Response:</u> Handwashing is the mechanical removal of soil, bacteria, and other contaminants from the hands. As outlined in the public health reasoning of the PA Food Code for water temperature, warm water is more effective than cold water in removing the fatty soils encountered in kitchens. An adequate flow of warm water will cause soap to lather and aid in</p>	

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flushing soil quickly from the hands. An inadequate flow or temperature of water may lead to poor handwashing practices by food employees.	
87. Requiring mobile food vendors to purchase equipment to fulfill minimum hot water temperature requirements is an unnecessary expense.	Stephanie Morales
<u>Response:</u> All food facilities, including mobile food facilities, must meet the minimum water temperature requirements for handwashing.	
Section 324 Garbage and Refuse, Returnable Items and Recyclables	
88. Returnable items (such as to go items, mason jars, etc.) are mentioned in Article III but there is a missed opportunity for additional guidance to encourage food businesses to use more eco-friendly items. For example, what are accepted materials that can be returned to a food establishment (glass, plastic, metal)? What, if any specific cleaning processes should be considered when reusing items? Are there any places or reasons why food containers should not be re-used (working with immunosuppressed people, or containers that hold raw products, for example)?	Nicolette Spudic
<u>Response:</u> Refilling returnable food containers has been added to the proposed Article III and is aligned with the requirements outlined in the FDA Food Code. The cleaning, durability, and construction requirements for returnable items is outlined in subsection 310.4 “Returnable Items.” The header for section 324 has been amended to “Garbage and Refuse.”	
Section 325 Certified Food Protection Managers	
89. Would a facility that prepares food with milk and butter that results in a product that is a non-Time and Temperature Control for Safety (TCS) food be required to have at least one Certified Food Protection Manager present?	Dave Romesburg
<u>Response:</u> Food facilities that handle TCS foods are required to have a Certified Food Protection Manager on-site during operations. Exceptions from the Food Employee Certification Act have been added to the proposed Article III for non-profit organizations, Class I facilities, and Class II facilities.	
90. I am concerned that the requirements around Certified Food Protection Managers are confusing and that it is a difficult time to institute these changes.	John Longstreet, Mike Mitcham, Tom Neely

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<p><u>Response:</u> The proposed Article reorganized Management and Personnel requirements and removed obsolete requirements from the regulation. ACHD is available to provide an assessment of the requirement for a CFPM, taking into consideration aspects of a food facility's operations including the extent of food handling and the possible food safety risks involved.</p>	
<p>Section 325 (A) Certified Food Protection Managers</p>	
<p>91. What is the definition of “handle” as it relates to the requirement that facilities have at least one Certified Food Protection Manager (CFPM) present?</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>
<p><u>Response:</u> The definition of "handle" in the context of section 325 (A) is manipulated by hand or by equipment with physical contact with unpackaged Time and Temperature Control for Safety (TCS) food. This definition does not include facilities that strictly store or display packaged TCS foods. The proposed language has been amended to define the type of food subject to this requirement.</p>	
<p>92. Does a CFPM have to be on site if Time and Temperature Control for Safety (TCS) food is for sale but no one is preparing it?</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>
<p><u>Response:</u> <i>See response to Comment 91.</i></p>	
<p>93. The proposed requirement states that the CFPM must serve as the Person in Charge (PIC) but it shouldn't be assumed that the person who has the knowledge of Food Safety should also be the person in-charge of an operation. It could be said that the PIC should be a CFPM, however.</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>
<p><u>Response:</u> The requirement has been removed in section 325. The requirement is retained in subsection 326.4, specifying that the Person in Charge must meet the requirements of a CFPM for facilities that handle unpackaged Time and Temperature Control for Safety (TCS) foods.</p>	
<p>94. Considering the current labor shortage and rise in costs, food facilities may find it challenging to obtain a Certified Food Protection Manager during all hours of operation.</p>	<p>John Longstreet, Mike Mitcham, Tom Neely</p>
<p><u>Response:</u> The ACHD is aware of the current labor issues faced by many food facilities. Recognizing that each food facility is different, ACHD will carefully work to assess the need for this requirement. For instance, when determining the need for a CFPM, food facilities are evaluated based on the extent of food handling and the possible food safety risks involved. ACHD also provides regularly scheduled CFPM testing and training.</p>	
<p>Section 326.1 Responsibilities and Supervision; General</p>	
<p>95. Clarification is needed on developing and maintaining records and policies required by the Article and the Model Food Code</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>

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(MFC). There are multiple requirements listed that do not tie back to MFC or have specifics outlined for food facilities to follow.	
<p><u>Response:</u> The Model Food Code outlines the minimum requirements for items 1-4 in the following locations:</p> <ul style="list-style-type: none"> • (1) MFC 2-501.11 Clean-up of Vomiting and Diarrheal Events • (2) MFC 3-501.19 Time as a Public Health Control • (3) MFC 3-401.14 Non-Continuous Cooking of Raw Animal Foods • (4) MFC 8-201.13.1 When a HACCP Plan is Required. <p>Guidance documents are available for items 1, 2, and 4 with specifics outlined for food facilities. Specifics for HACCP Plans are also outlined in section 337 of Article III. Item 5 is outlined in Article XV Plumbing Code (AC-1003.10.1) requiring a maintenance schedule and records or a log. A guidance document will be created for item 6, "Major Food Allergen Control Plans."</p>	
<p>96. An example of a listed item in need of clarification is the grease interceptor cleaning and service schedule. If grease interceptor cleaning and service schedule is required, what is the frequency?</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>
<p><u>Response:</u> The cleaning and service frequency of grease interceptors depends on a number of factors, including equipment type and type of wastewater produced by the facility. Each facility should receive the maintenance schedule and records from their grease hauler. A Food Safety Program inspector reviews maintenance records and confirms during inspection that there is periodic removal of accumulated grease and that the interceptor is being serviced.</p>	
<p>97. How long must records be kept on file?</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>
<p><u>Response:</u> Up to date policies for items 1-4 and item 6 are to be maintained. Operators are encouraged to keep records for item 5, grease interceptor cleaning and service schedule, for at least one year.</p>	
<p>Section 327.1 (A) Personal Cleanliness and Food Worker Practices; Handwashing and Glove Use</p>	
<p>98. It would be helpful to also specify requirements for handwashing sinks by Class. For instance, a Class III site that does not prepare food can safely wash their hands in a sink prior to a meal service that is only used to wash utensils after the meal service.</p>	<p>Lauren Babich</p>
<p><u>Response:</u> All Classes will be required to have handwashing sinks in toilet rooms. Class III and Class IV are required to have handwashing sinks based on the services the facility will provide and the procedures they will need to follow to ensure safe food handling. ACHD will update guidance documents to address this requirement in relation to the Class structure.</p>	
<p>99. Could the language in Section 327.1.A be revised to allow for handwashing to take</p>	<p>Lauren Babich</p>

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<p>place in sinks that are used for food preparation, but only during times when that sink is not being used for food preparation?</p>	
<p><u>Response:</u> As handwashing is such an important intervention in the control of foodborne illness, sufficient handwashing sinks must be available to make handwashing not only possible, but likely to occur at all appropriate times and places. The handwashing sink requirement is based on the services the facility will provide and the procedures they will need to follow to ensure safe food handling. Language in subsection 327.1 (A) has been changed to, "Food workers shall wash their hands in designated handwashing sinks."</p>	
<p style="text-align: center;">Section 327.2 Personal Cleanliness and Food Worker Practices; Tobacco, Electronic Cigarette Device Use, and Food Worker Dining</p>	
<p>100. I recommend changing the wording in this section to be more inclusive of all tobacco products. For example, "All Tobacco, E-Cigarette Electronic Cigarette Device including smokeless tobacco better known as spit tobacco, chewing tobacco, chew, and dip. Employees Food workers shall not use tobacco products 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."</p>	<p>Kathleen Kovalik</p>
<p><u>Response:</u> The suggested additional types of tobacco products are covered under the general term "tobacco" used in the regulation. The additional word "products" after tobacco has been added for clarity.</p>	
<p>101. I recommend changing the wording in this section to include, "Food workers who use Tobacco products and start work or return to work from break smelling of tobacco products shall not be permitted to re-engage in food preparation or service areas." I recommend this change because the tobacco odor remains on clothes, breath and hands despite handwashing.</p>	<p>Kathleen Kovalik</p>
<p><u>Response:</u> <i>See response to Comment 100.</i> Employee hygiene violations are addressed elsewhere in the regulation.</p>	
<p style="text-align: center;">Section 327.3 Personal Cleanliness and Food Worker Practices; Handling Tableware</p>	
<p>102. What is the intent of the line "Food workers shall handle soiled tableware in a way that minimizes contamination of their</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>

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hands?" I request clarification as I believe this is an expectation and assumed.	
<p><u>Response:</u> This subsection has been changed to align with the Model Food Code. Food workers shall handle soiled tableware in a way that minimizes contamination of clean tableware.</p>	
<p style="text-align: center;">Section 327.5 Personal Cleanliness and Food Worker Practices; Hair Restraints</p>	
<p>103. The language for the requirement that hair is to be restrained is too subjective and lacks guidance.</p>	<p>Food Safety Advisory Committee, Matthew Anselmo, Amanda Morales, Stephanie Morales, John Rizzo</p>
<p><u>Response:</u> The ACHD is satisfied that the current language provides sufficient guidance, requiring that hair is restrained so as to effectively prevent food contamination. Inspectors are available to provide additional guidance as needed.</p>	
<p>104. The Model Food Code excludes waitresses, servers, and others from hair restraint requirements. I recommend adding the following section to be alignment with the MFC: "This section does not apply to food employees such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles."</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>
<p><u>Response:</u> The ACHD finds this comment to have merit and has revised the Article to include this language.</p>	
<p style="text-align: center;">Section 328.4 Infected Food Worker; Procedure When Infection is Suspected</p>	
<p>105. The term communicable disease as written in the draft could include the common cold. The term should be better defined as repercussions can include the immediate closing of the facility.</p>	<p>John Rizzo</p>
<p><u>Response:</u> The term communicable disease as used in this section refers to the diseases outlined in subsections 328.2 and 328.3. The subsection has been revised to provide clarity.</p>	
<p style="text-align: center;">Section 329.1 Food Supplies; General</p>	
<p>106. I recommend that this section be amended to read "All food and beverages shall be <u>(delivered) from an approved foodservice distributor with all HAACP measures/controls in place</u> source and honestly presented; in sound condition; at</p>	<p>Tony Ferraro</p>

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<p>required temperatures, and under <u>proper</u> refrigeration free from spoilage, filth, adulterants, un-approved additives, temperature abuse, or other contamination; and shall be safe for human consumption." Anything less than this recommended language does not protect the cold chain.</p>	
<p><u>Response:</u> The current language provides sufficient food protection by requiring all food be from approved sources. Additional requirements may pose a barrier for some operations, including "farm to table" operations, food donation, and limited food establishments for facilities registered with the PA Department of Agriculture.</p>	
<p style="text-align: center;">Section 330 Food Prepared in a Private Home</p>	
<p>107. General support for changes made to Article around food prepared in a private home or in-home restaurant for public consumption.</p>	<p>John Longstreet, Mike Mitcham, Tom Neely</p>
<p><u>Response:</u> ACHD appreciates your participation in the public comment process and your assistance in soliciting feedback from area operators.</p>	
<p style="text-align: center;">Section 331 Food Protection</p>	
<p>108. Aside from temperature, time is an accepted food safety control standard and is outlined in the FDA Food Code. This standard is what is used by nonprofit and commercial food delivery systems. Time should be included in Article III as an acceptable food safety measure.</p>	<p>Leah Lizarondo, Jim Berman</p>
<p><u>Response:</u> The standards for Time as a Public Health Control are outlined in the Article in section 334.2. Additionally, language has been added to the proposed Article that clarifies that food in the possession of delivery services including, but not limited to, online ordering and delivery platforms, common carriers, or food rescue organizations, is outside of the scope of this Article (§334.3 (C) and §336.1 (C)).</p>	
<p style="text-align: center;">Section 332.5 Food Storage; Date Marking of Food</p>	
<p>109. I believe that requiring ‘date of preparation’ is redundant if the discard date is indicated and previous requirements state this clearly. This requirement also runs counter to the Food Date Labeling Law that is aimed to be reintroduced in Congress. The proliferation of dates in any food packaging is one of the leading causes of food waste. I encourage ACHD to adhere</p>	<p>Leah Lizarondo</p>

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to this emerging standard by redacting “date of preparation” as a requirement.	
<p><u>Response:</u> This requirement applies to the date marking of ready-to-eat Time and Temperature Control for Safety (TCS) food prepared in a retail food facility. The date of preparation is only required when food is prepared and then subsequently frozen in the retail food facility for later use. Language has been added to the proposed Article III to outline requirements specific to labeling and clarify the differences between date marking and labeling of food (§333.9). ACHD will also create a guidance document on date marking and labeling.</p>	
<p>110. The date-of preparation labeling requirement risks being redundant to current product dating practices.</p>	Daniel Donovan
<p><u>Response:</u> <i>See response to Comment 109.</i></p>	
<p>Section 334.4 Food Display and Service, Pre-Set and Self-Service Tableware</p>	
<p>111. The requirements for pre-set tableware are unclear. Mainly towards the end of the paragraph – removing the setting or that they are cleaned and sanitized before use. Wouldn’t that pertain to all tableware prior to setting?</p>	John Rizzo
<p><u>Response:</u> The ACHD finds this comment to have merit and has revised this subsection to read, "Pre-set tableware shall be protected from contamination by being pre-wrapped, covered or inverted, unless the settings are removed and replaced when a consumer is seated."</p>	
<p>Section 335 Donation of Foods</p>	
<p>112. The current regulations regarding donation of food are sufficient to ensure the safety of the food and health of the recipients. The newest scope of regulation solves a problem that does not exist.</p>	Jim Berman, John Seiffer
<p><u>Response:</u> The proposed requirements streamline existing local, state, and federal regulations and will act as a local reference for safety standards. This section addresses an emerging need in the County to succinctly outline food safety standards for food donation.</p>	
<p>113. We appreciate the County’s commitment to simplifying and streamlining a number of processes like those impacting food donation.</p>	John Longstreet, Mike Mitcham, Tom Neely
<p><u>Response:</u> The ACHD appreciates your participation in the public comment process.</p>	
<p>114. I have consulted with experts from other cities and they find that the sections regarding food rescue, pick-up and delivery are redundant as current protections and guidelines are already doing the job. Would you consider taking them out?</p>	Rebecca Gaynier

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<p><u>Response:</u> The proposed requirements for donation of foods streamline existing local, state, and federal regulations by placing requirements that appear across multiple codes into one location. This section was drafted in recognition of the effectiveness of existing guidelines and the need for a local reference for food safety standards for donated food. Both commercial and nonprofit delivery services as defined in the revised proposal are outside of the scope of this Article.</p>	
<p>115. There is not much clarity on the scope of section 335. Does it apply to all permitted food facilities, including retail stores, or only "unused portions of or leftover food" that was "previously sold or served to a consumer?"</p>	<p>Joshua Murphy</p>
<p><u>Response:</u> The requirements of this section apply to food facilities that wish to donate unused or left-over food. Language has been amended in this section clarifying that all food items donated by food facilities are subject to the requirements of the Article (§335.1). The scope of food facilities subject to Article regulations are outlined in section 301 (A).</p>	
<p>116. If this section applies to all food donations, it should be stated explicitly in the header, and the language about "unused portions" moved to a section that only covers unused portions. The header strongly implies that section 335 only applies to food service leftovers, which gives no guidance for 99% of food donations. Are the governing rules different for food previously offered for sale versus previously served to a consumer? They should be.</p>	<p>Joshua Murphy</p>
<p><u>Response:</u> The requirements of this section apply to food facilities that wish to donate unused or left-over food. This section has been amended to clarify that the requirements of this section apply to all food items donated by food facilities. Clarifying language has been moved to subsection 335.2 "Previous Service" that prohibits the donation of food previously served to a consumer. All donated foods must be apparently wholesome and free of contamination.</p>	
<p>117. The unclear language on what constitutes food that can be donated will cause even more food to go to waste.</p>	<p>Morgan Cikowski, Addakin Thomas</p>
<p><u>Response:</u> See responses to Comment 115 and 116.</p>	
<p>118. I am concerned that updates to Article III could make donating food harder and negatively impact nonprofit organizations that work with food donations and food waste.</p>	<p>412 Food Rescue Stakeholders, Food Safety Advisory Committee, Melinda Angeles, Christopher Bandy, Leah Bauer, Sarah Bayliss, Thomas Berna, Dave Breingan, Cheyenne Buntain, Cheryl Pickering, Joni Butler, Courtney Centner, Bruce Chan, Morgan Cikowski, Samantha Cook, Colin Dean, Alexander Denmark, Kristen DiNardo,</p>

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	Diana Domian, Bert Dorazio, Jeffrey Eaton, Jennifer England, Anne Fitzgerald, Tracy Ford, Dan Garcia, Rebecca Gaynier, Michelle Giancomino, Caitlin Grater Kapoor, Tim Gyves, Mark Hamilton, Gail Harper, Lorien Hart, Judith Hoover, Kathleen, Gabrielle Keane, Kelly D. King, Nancy Lee Cochran, Barbara Lee, Sheila Levine, Caldwell Linker, Wendy Long, Julia Longenecker, Maggie Lyle, Alfred M. Mancini, MD, Colleen Malley, Nancy Martin, Lori Martin, Justin Miller, Rabbi Moishe Mayir Vogel, Sara Montgomery, Dr. Bev Moore, Lucky Munro, Mari Murphy, Jonathan Nadle, James Patton, Cheryl Pickering, Renee Piechocki, Ashley Pound, John Renda, Emily Rodgers, Frances Rupp, J F Sabl, Michelle Sandidge, John Schmidt, Steve Schohn, Suzanne Silliman, Henry Simonds, Peter Smith, Helen Stickney, Joanne Stuempges, Joel Tarr, Addakin Thomas, Ann Tomer, Christina Treadwell, Richard Weiss, Roye Werner, Lindsay Wirtz, Lori Wortman
<p>Response: <i>See response to Comment 112.</i> ACHD has incorporated clarifying language into this section in response to public comment and is committed to continued communication with food donation organizations to support this important work.</p>	
<p>119. I ask the Board of Health to consider the important issue of food insecurity when deliberating about proposed updates to Article III.</p>	412 Food Rescue Stakeholders, Joann Aurand, Jim Berman, Dave Breingan, Cheyenne Buntain, Bruce Chan, Lisa Considine, Christopher Czambel, Douglas Damico, Tracy Ford, Lorien Hart, Mike Hughes, Caldwell Linker, Wendy Long, Julia Longenecker, Nancy Martin, Dr. Bev Moore, Mari Murphy, Helen Stickney, Emily Rodgers, Michelle Sandidge, Henry Simonds, Lauren Thompson, Rabbi Moishe Mayir Vogel, Lindsay Wirtz
<p>Response: <i>See response to Comment 118.</i></p>	
<p>120. The process of handling food performed by food rescue and area nonprofits is already safe and does not need new or further regulation.</p>	Sarah Bayliss, Jim Berman, Joni Butler, Justin Carulli, Morgan Cikowski, Diana Domian, Bert Dorazio, Robert W. Forloines, Tim Gyves, Kelly D. King, Mari Murphy, Kimberly Ressler, Emily Rodgers,

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	Steve Schohn, John Seiffer, Peter Smith, Lori Wortman
<p><u>Response:</u> The proposed requirements streamline existing local, state, and federal regulations and are not intended to introduce new oversight to existing practices. Language throughout the section has been amended to reflect this intention and to provide clarity in response to public comment.</p>	
<p>121. Regulations for food donation are governmental intrusion, creating bureaucratic hurdles that make addressing food insecurity difficult.</p>	Dan Garcia, Wendy Long, Jean McGregor
<p><u>Response:</u> See response to Comment 120.</p>	
<p>122. What specifics are going to be placed around different styles of nonprofit food distribution, including special events, holiday distributions, and everyday/weekly pick-up and delivery?</p>	Ashley Durham
<p><u>Response:</u> Organizations that participate in food distribution can refer to section 302 "Food Permits" to review guidelines for permitting for different events or can contact the ACHD Food Safety Program with additional questions.</p>	
<p>Section 335.2 Donation of Foods; Unpackaged and Unserved Foods</p>	
<p>123. The language of "unpackaged and unserved foods" is unclear as to what it applies to. Whole fruits and vegetables? Bread and baked goods? Prepared food? The requirements suggest it is referring to Time and Temperature Control for Safety (TCS) prepared food but is vague and could lead food establishments to worry that they will violate the article because it is ambiguous. e.g. donating bread that hasn't been held cold. I recommend either clearly enumerating types of food this section does and doesn't apply or striking this section from the Article</p>	Leah Lizarondo
<p><u>Response:</u> Language has been added to this section to clarify that requirements apply to prepared foods.</p>	
<p>124. Sections A and B can't both be true at the same time: food cannot be below 41F and above 135F at the same time. Sections C and D are similarly not both needed for the same situation: a facility doesn't need proper storage if the food is going from the donor directly to the end user; only safe transportation. I</p>	Joshua Murphy

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recommend revising this subsection to require A or B AND C or D.	
<p><u>Response:</u> Clarification has been added to distinguish and specify the requirements for hot and cold foods. Subsection 335.2 (C) and (D) have been removed from the proposal. Requirements for food facilities that use delivery services have been added to the proposed Article (§334.3).</p>	
<p>Section 335.2 (A) and (B) Donation of Foods; Unpackaged and Unserved Foods</p>	
<p>125. The language in section 335.2 (A) and (B) only makes sense when referring to certain food types but the wording is so broad it would seem to apply well beyond Time and Temperature Control for Safety (TCS) foods.</p>	Leah Lizarondo
<p><u>Response:</u> The requirements in this subsection apply to non-TCS and TCS prepared foods. Clarification has been added to distinguish and specify the requirements for hot and cold foods.</p>	
<p>Section 335.2 (C) Donation of Foods; Unpackaged and Unserved Foods</p>	
<p>126. This subsection is problematic as it puts the onus and penalty on food establishments (the source of food) for certifying end-use. To put the burden on food establishments to substantiate the capacity of end-users and predict end-user behavior is unreasonable, an overreach and would put unnecessary risk of penalties on the food establishment. I recommend that this language be removed.</p>	Leah Lizarondo
<p><u>Response:</u> ACHD finds this comment to have merit and has removed subsection 335.2 (C) from the proposed Article. Food facilities that receive food, either purchased or donated, are responsible for adhering to the requirements of the Article, including ensuring that the food was packaged so as to prevent contamination and verifying that the food was transported with adequate temperature maintenance in the case of Time and Temperature Control for Safety (TCS) foods. Language outlining recipient food facility responsibilities has been added to the proposed Article (§335.6).</p>	
<p>127. This subsection is contrary to the spirit of the Bill Emerson Act and, furthermore, runs counter to the bipartisan Federal bill currently being proposed by Senators Toomey and Blumenthal which would allow donors to give food directly to individuals.</p>	Leah Lizarondo
<p><u>Response:</u> The proposed regulation does not restrict the donation of food directly to individual consumers. The proposed regulation is in line with the Bill Emerson Act, The PA Food</p>	

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Donation Limited Liability Act, and the PA Retail Food Safety Act. Language has been added to this section to reflect alignment with these Acts and to clarify the scope of the regulation.	
<p>128. This subsection does not consider the new models of food delivery, for purchased or donated food, where there is a large logistics network between the food establishment and the recipient. The connection between food establishments and end-users is not a direct connection as it has been in the past.</p>	Leah Lizarondo
<p><u>Response:</u> ACHD has proposed an addition to the Article, subsection 334.3 “Food Delivery,” that specifies the responsibilities of food facilities that use a delivery service or deliver directly to consumers. The section also clarifies that food in the possession of delivery services is outside of the scope of the Article.</p>	
<p>129. This subsection prevents food distribution to non-traditional food facilities. Limiting distribution in non-traditional locations, including public housing and community health centers, will reverse positive and responsible progress made toward alleviating hunger during the pandemic and beyond.</p>	Morgan Cikowski, Leah Lizarondo, Wendy Long, Dr. Bev Moore, Michelle Sandidge, Addakin Thomas
<p><u>Response:</u> Article III regulates the activities of permitted food facilities. Language has been added to the proposed Article that clarifies that food delivered by a food delivery service is outside of the scope of the Article.</p>	
<p>Section 335.2 (D) Donation of Foods; Unpackaged and Unserved Foods</p>	
<p>130. The wording is extremely ambiguous, confusing on identifying recipient/consumer, and unclear on what it is requiring. What is a food recipient? What is a consumer? What assumptions are being made about use at destination? The onus should not be on the originating food establishment to be responsible at the destination of the food. The donor’s responsibility is for safe handling of food at their site.</p>	Leah Lizarondo
<p><u>Response:</u> ACHD finds this comment to have merit and has removed §335.2 (D) from the proposed Article. Food facilities that receive food, either purchased or donated, are responsible for adhering to the requirements of the Article. Language outlining recipient food facility responsibilities has been added to the proposed Article (§335.6).</p>	
<p>131. The current trends in logistical process for purchased and donated food is food starts in a food establishment, is</p>	Leah Lizarondo

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<p>retrieved by food transport, and is delivered to a recipient or consumer (possibly an intermediary such as a soup kitchen, food pantry, housing site). The requirements in this section are only placed on donated food, which means erroneous assumptions are being made that food transport for either commercial or nonprofit transport is different. There are no such regulations for food establishments that use commercial food delivery services to transport purchased food. This provision should be stricken.</p>	
<p><u>Response:</u> The proposed requirements of section 335 are intended to explicitly state that the same standard of safe food handling applies to both commercial and donated food. Language has been revised throughout the section to further clarify this intent. Definitions for food transport and food delivery have been added to the proposed Article (§352) to further clarify the distinctions between these two activities. Delivery services, as defined by this proposal, are outside of the scope of the Article.</p>	
<p>Section 335.3 Donation of Foods; Labeling</p>	
<p>132. If these regulations were to be implemented the new date label standards would add difficulty for potential food donors.</p>	<p>Morgan Cikowski, John Seiffer, Addakin Thomas</p>
<p><u>Response:</u> The requirements of this section are not meant to introduce new labeling standards. Food facilities are to adhere to the same date marking standards as those outlined in subsection 332.6 “Date Marking of Food.” Clarifying language and a reference to subsection 332.6 has been added to this section to distinguish date marking from labeling. Language has been added to the proposed Article III to outline requirements specific to labeling (§333.9). ACHD will also create a guidance document on date marking and labeling.</p>	
<p>133. What if the food is frozen before donating? Should this be added and how does that change the labeling?</p>	<p>John Rizzo</p>
<p><u>Response:</u> <i>See response to Comment 132.</i> The date marking process for prepared frozen foods has been added to subsection 332.6.</p>	
<p>134. Section 335.3 should be given a clearly defined scope, or the "discard date" requirement should be dropped. I agree to applying discard dates to Time and Temperature Control for Safety (TCS) foods donated by restaurants and foodservice providers at the point where they were packed, but if section 335 applies to the entire spectrum of foods</p>	<p>Joshua Murphy</p>

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<p>offered for sale or donation from retail stores, the requirement of a discard date for all donations is both onerous and unrealistic.</p>	
<p><i>Response: See response to Comment 132.</i></p>	
<p>135. I recommend the ACHD redact "date of preparation" as a requirement. I believe that requiring "date of preparation" is redundant if the discard date is indicated and previous requirements state this clearly. The proliferation of dates in any food packaging is one of the leading causes of food waste.</p>	<p>Leah Lizarondo</p>
<p><i>Response: See response to Comment 132.</i></p>	
<p>136. The date-marking-of-food requirement requires clarity and differentiation from current "best by date" practices.</p>	<p>Daniel Donovan</p>
<p>RESPONSE: <i>See response to Comment 132.</i></p>	
<p style="text-align: center;">Section 335.4 Donation of Foods; Shelf Life</p>	
<p>137. This requirement indicates a different date labeling standard for sold food versus donated food as outlined in 335.3 which is potentially confusing and discouraging for the donor. This requirement should be stricken or consistency with standards for sold food should be referenced.</p>	<p>Leah Lizarondo</p>
<p><i>Response:</i> ACHD finds this comment to have merit and has removed subsection 335.4 from the proposed Article. Additionally, language has been revised to apply the same date marking standards to both commercial and donated foods. Language has also been added to the proposed Article III to outline requirements specific to labeling and clarify the differences between date marking and labeling of food (§ 333.9). ACHD will also create a guidance document on date marking and labeling.</p>	
<p style="text-align: center;">Section 335.5 Donation of Foods; Damaged Foods</p>	
<p>138. The requirements for damaged foods are vague and overly restrictive. What specifically on the label needs to be included? And is it acceptable for it to be missing from an outer case if the inner units are intact? A substantial amount of</p>	<p>Leah Lizarondo</p>

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<p>food is donated because the outer packaging is damaged and cannot be sold.</p>	
<p><u>Response:</u> All consumers must be provided with the complete manufacturer's labeling information, including ingredients, major allergens, and quality or safety dates. A section outlining requirements for labeling has been added to the proposed Article (§ 333.9). Additionally, language has been added to this subsection to specify that prepackaged foods with compromised packaging may not be donated due to possible contamination.</p>	
<p>139. I recommend that existing standards for damaged foods used by food rescue and anti-hunger organizations should be used in place of the current language of this subsection. The requirements should clearly define what type of damage renders packaged food unacceptable.</p>	<p>Leah Lizarondo</p>
<p><u>Response:</u> <i>See response to Comment 138.</i> The proposed regulation is in line with the Bill Emerson Act, The PA Food Donation Limited Liability Act, and the PA Retail Food Safety Act.</p>	
<p>Section 335.6 Donation of Foods; Distressed Foods</p>	
<p>140. Prolonged storage is not a food safety issue and should be removed from this section. Foods that have been environmentally contaminated are different from foods that have been subject to prolonged storage. In cases where long storage might present a food safety concern, it should be specified.</p>	<p>Leah Lizarondo</p>
<p><u>Response:</u> The term prolonged storage has been removed from this subsection. Language specifying that all donated food must be apparently wholesome and fit for human consumption has been added to the proposed Article (§ 335.1).</p>	
<p>Section 336.1 Food Transportation; General</p>	
<p>141. I am concerned that updates to Article III could negatively impact transport by food security organizations that work with food waste and food donations.</p>	<p>412 Food Rescue Stakeholders, Joann Aurand, Jim Berman, John Boerger, John Carson, Morgan Cikowski, Samantha Cook, Tracy Ford, Wendy Long, Lori Martin, Nancy Lee Cochran, Emily Rodgers, Steve Schohn, John Seiffer, Jill Siegfried</p>
<p><u>Response:</u> Definitions for food transport and food delivery have been added to the proposed Article (§352) to further clarify the distinctions between these two activities. Delivery services, as defined by this proposal, are outside of the scope of this Article. Clarifying language has also been added to this section to distinguish transport from food delivery. Activities of food security organizations that act as a food delivery service will not be impacted by the proposed Article.</p>	

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<p>142. The same standards and regulations currently being applied to commercial food delivery services should be applied to nonprofit food delivery services that use the same process and control measures.</p>	<p>412 Food Rescue Stakeholders, John Boerger, Wendi W. Bognar, Christopher Czambel, Colin Dean, Dan Galvin, Darren Hartman, Gabrielle Keane, Leah Lizarondo, Cheryl Pickering, Peter Smith, Helen Stickney</p>
<p><u>Response:</u> Language has been added to the proposed Article that clarifies that food in the possession of delivery services including, but not limited to, online ordering and delivery platforms, common carriers, or food rescue organizations, is outside of the scope of this Article (§ 334.3 (C) and § 336.1 (C)).</p>	
<p>143. It is unclear whether “this Article shall apply in the transporting of all food from a food facility to another location for service, catering, or donation” covers all third-party food transportation services. Assumptions cannot be made on end-use intent. Delivery services, both commercial and nonprofit, deliver to both end consumers and short-term intermediaries.</p>	<p>Leah Lizarondo</p>
<p><u>Response:</u> <i>See response to Comment 141.</i> References to donation have been removed from this section.</p>	
<p>144. My general view is that the largest emerging trend in the food space is largely ignored (or extremely unclear as to how they are regulated) in the changes to these regulations except as it relates to donation. Food delivery - whether restaurant food or groceries and other food - has grown over the last three years. Sources have shown that 1 in 3 households have had food delivered during the pandemic and the sector will only continue to grow.</p>	<p>Leah Lizarondo</p>
<p><u>Response:</u> In recognition of this emerging need, ACHD has proposed an addition to the Article, subsection 334.3 “Food Delivery,” that specifies the responsibilities of food facilities that use a delivery service or deliver directly to consumers. The section also clarifies that food in the possession of delivery services is outside of the scope of the Article.</p>	
<p>145. I recommend striking section 336 as section 331 already recommends time as an acceptable public health control in food transport.</p>	<p>Leah Lizarondo</p>
<p><u>Response:</u> Section 336 outlines requirements for food transport, which is defined as the movement of food under the control of a food facility to a location for storage, service or catering operations. Definitions for food transport and food delivery have been added to the proposed Article (§ 352) to further clarify the distinctions between these two activities.</p>	

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<p>146. I recommend including time as an acceptable public health control to section 336 for all food transported via third-party delivery services, whether purchased or donated.</p>	<p>Leah Lizarondo</p>
<p><i>Response: See response to Comment 145.</i></p>	
<p>147. I recommend using uniform and standard regulations to any third-party delivered food and food delivery services. If regulations are not required for commercial third-party delivery services, then regulations are not required for donated food delivery services.</p>	<p>Leah Lizarondo</p>
<p><i>Response: See response to Comment 141.</i></p>	
<p>148. The requirement that TCS food be kept at certain temperatures during transportation requirement is inconsistent with practices in food donation delivery.</p>	<p>Daniel Donovan</p>
<p><i>Response: See responses to Comment 144 and Comment 145.</i></p>	
<p>149. What is considered “adequate” equipment for transporting TCS food as described in Section 336.1? Adequate equipment is undefined.</p>	<p>Ashley Durham, Joshua Murphy</p>
<p><i>Response: Language has been added to this section to clarify that adequate equipment must be made of non-toxic, corrosion resistant, easily cleanable, durable materials, as described in sections 307 and 308 of this Article.</i></p>	
<p>150. I recommend specifying that equipment is adequate by definition only if it is able to maintain safe temperatures for the entirety of transportation time.</p>	<p>Joshua Murphy</p>
<p><i>Response: See response to Comment 149.</i></p>	
<p>151. One way to address concerns over delivery time and perishables is to teach local restaurants about preservation techniques such as long term canning, dehydrating, and fermentation safety and health benefits.</p>	<p>Mike Hughes</p>
<p><i>Response: Canning, dehydrating, fermenting, and other methods of food preservation are specialized processes which require HACCP Plans and preapproval prior to implementation. Currently food facilities are allowed to use these techniques if they have an approved HACCP plan.</i></p>	
<p>152. A couple of ways to address concerns over delivery time and perishables is to makes large batches of canned soups, compost things like lettuce</p>	<p>Mike Hughes</p>

COMMENT	COMMENTER(S)
<p>that can't be preserved, and develop or use cookbooks for preserved ingredients. Make food preservation fun, like making condiments and things that kids love and experimenting with cuisine from other cultures.</p>	
<p><u>Response:</u> The ACHD appreciates your participation in the public comment process.</p>	
<p style="text-align: center;">Section 336.2 Food Transportation; Food Protection</p>	
<p>153. I recommend calling out the several types of contamination at risk when food is transported uncovered (physical, chemical, microbial) in this section.</p>	<p>Joshua Murphy</p>
<p><u>Response:</u> Language has been amended in subsection 336.1 to reflect the different types of contamination. A detailed outline of protection from contamination can also be found in section 331.</p>	
<p>154. I recommend adding language that would make clear that, for example, a private volunteer's car trunk does not suffice as a "cover" for the purposes of this article.</p>	<p>Joshua Murphy</p>
<p><u>Response:</u> <i>See response to Comment 153.</i> ACHD has also proposed an addition to the Article, subsection 334.3 "Food Delivery," that specifies the responsibilities of food facilities that use a delivery service or deliver directly to consumers, including protecting food from contamination.</p>	
<p style="text-align: center;">Section 339 Mobile Food Facilities</p>	
<p>155. I appreciate the County's commitment to simplifying and streamlining a number of processes like those impacting food trucks.</p>	<p>John Longstreet, Mike Mitcham, Tom Neely</p>
<p><u>Response:</u> ACHD appreciates your participation in the public comment period.</p>	
<p>156. The clear consensus is that the proposed changes to the ACHD Food Safety Program will negatively impact our region's food truck operators. Please reconsider the proposal and revise it taking into account the concerns so many have expressed.</p>	<p>Jonathan Nadle</p>
<p><u>Response:</u> Article III outlines the minimum standards mobile food facilities must adhere to to ensure safe food handling practices in order to protect public health.</p>	
<p style="text-align: center;">Section 339.1 (E) Mobile Food Facilities; General</p>	
<p>157. The requirement to supply "upon request of the Department, a current list of</p>	<p>Amanda Morales, Stephanie Morales</p>

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<p>the proposed food service locations and approximate arrival times to those locations" is next to impossible to not only keep up with but to maintain. Schedules are rarely made a year in advance. Work may come in daily and change daily.</p>	
<p><u>Response:</u> See response to Comment 38.</p>	
<p>158. The Health Department just recently increased the mobile vendor fee by 50 percent claiming that it was because they cannot find mobile food vendors. Meanwhile, it was way less of an increase for other food establishments. This increase in fee should have fixed the problem with locating mobile vendors.</p>	<p>Stephanie Morales, Dave Slover</p>
<p><u>Response:</u> See response to Comment 38.</p>	
<p>159. If the Department is concerned that it is unable to locate mobile operators, then it can purchase GPS units at its own expense and use them to track mobile facility movements.</p>	<p>Dave Slover</p>
<p><u>Response:</u> See response to Comment 38.</p>	
<p>Section 341 Shared Kitchens</p>	
<p>160. The permitting processes and the responsibilities of owners and users of shared kitchens is not reflected in the PA or FDA Food Code specifically and seem somewhat burdensome and overly detailed.</p>	<p>Dawn Plummer</p>
<p><u>Response:</u> In addition to aligning Article III to state and federal standards, the ACHD proposes to address various unmet regulatory needs, such as the increased utilization of shared kitchen/incubator kitchens. The proposed structure follows guidelines outlined by the Association of Food and Drug Officials and have been adopted by other local jurisdictions. By including these standards in the Article, the ACHD seeks to encourage the use of shared kitchens as a means for new food-related businesses to open with less startup capital while operating in compliance local and state food safety regulations.</p>	
<p>161. I am concerned that this section appears to put forward broad discretion over being able to implement additional requirements if it is felt necessary on top of requiring the food facility owner and users to make sure they can comply with all food safety requirements. I suggest that</p>	<p>Dawn Plummer</p>

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<p>it is on these parties to ensure compliance and that the facility can meet these requirements, rather than the department to have discretion to add specific additional requirements to facilities.</p>	
<p><u>Response:</u> Section 341.1 has been revised to further clarify the Department's discretion and to align with language for mobile and temporary/seasonal food facilities. It now reads, "The Department will evaluate shared kitchens for the storage, preparation of food, warewashing, waste disposal, equipment storage, or the replenishment of supplies and equipment. Based on the limitations of the shared kitchen, the Department may impose additional requirements such as, but not limited to, menu modification or preparation restrictions, in order to protect against health hazards."</p>	
<p style="text-align: center;">Section 341.3 (A) Shared Kitchens; Responsibilities in Shared Kitchens</p>	
<p>162. It seems burdensome to require that the facility holder notify the department if someone no longer uses the kitchen. It should be the food producer that is leaving that is required to provide this notice.</p>	<p>Dawn Plummer</p>
<p><u>Response:</u> Shared kitchens are facilities where three or more food facilities operate out of the same commercial kitchen. The primary permit holder is the responsible party for operations performed in the kitchen as they are the owner of the kitchen and grant access to secondary users. Verification by primary permit holders of secondary user operations prevents secondary users from claiming to operate from a permitted shared kitchen while in reality preparing food in another, potentially unlicensed kitchen.</p>	
<p>163. The requirement for primary permit holders to "ensure that the number of users operating in the shared kitchen does not pose a health or safety risk" is vague and could result in the department imposing arbitrary limits.</p>	<p>Dawn Plummer</p>
<p><u>Response:</u> The variability of business models of shared kitchens makes it difficult to outline all potential health or safety risks. The ACHD will create a guidance document to assist primary permit holders in understanding their responsibilities.</p>	
<p>164. Since a business operating in a shared kitchen also needs to be permitted, I suggest that there be an option where the food facility doesn't have to be inspected every time a new business applies to operate out of that kitchen.</p>	<p>Dawn Plummer</p>
<p><u>Response:</u> An inspection must be conducted prior to the issuing of a permit or license in accordance with the PA Retail Food Safety Act. The shared kitchen is inspected for each secondary user so as to confirm that the facility meets the needs of all facility users and continues to implement required food safety practices.</p>	

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<p>165. I recommend a potentially streamlined process for businesses operating out of a shared kitchen. The "Shared-Use Kitchens: A Policy Landscape Report" from the Food Corridor is a resource with some good information on shared kitchens.</p>	<p>Dawn Plummer</p>
<p><u>Response:</u> ACHD recognizes that revisions may be needed to further streamline the permitting process for secondary users. ACHD will review the permitting process and will provide guidance documents for primary and secondary users in shared kitchens.</p>	
<p>166. The requirement that the primary permit holder must have "A schedule of the proposed dates and times when each shared kitchen user, including the primary permit holder, intends to use the shared kitchen" could be hard to maintain.</p>	<p>Dawn Plummer</p>
<p><u>Response:</u> Each shared kitchen users is only asked to submit their intended dates and times of operations.</p>	
<p>167. Subsection (d) requires a log of use by each permit holder, and that should likely be sufficient to meet the requirement of maintaining a schedule as currently required in (c).</p>	<p>Dawn Plummer</p>
<p><u>Response:</u> The schedule requirement listed in (C) allows the Department to perform unannounced inspections. The log requirements listed in (D) allows the Department to verify the continued use of the shared kitchen by secondary users.</p>	
<p>168. It is unclear who in a commissary is responsible to "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."</p>	<p>Israel Morales, Stephanie Morales</p>
<p><u>Response:</u> Commissaries where three or more mobile food facilities food facilities operate are considered shared kitchens. The primary permit holder is responsible for notifying the Department of any changes in shared kitchen use by secondary users. Notification should be sent to the Department, which could be the inspector, the area supervisor, or the Food Safety Program office. Contacting the Food Safety Program office directly is encouraged.</p>	
<p>169. How is it the responsibility of the Commissary to notify the Health Department? This should be the responsibility of the truck leasing the commissary.</p>	<p>Israel Morales, Stephanie Morales</p>
<p><u>Response:</u> See response to Comment 162.</p>	
<p style="text-align: center;">Section 341.3 (C)</p>	

COMMENT	COMMENTER(S)
Shared Kitchens; Responsibilities in Shared Kitchens	
<p>170. The requirement that the primary permit holder must have “A schedule of the proposed dates and times when each shared kitchen user, including the primary permit holder, intends to use the shared kitchen” could be hard to maintain.</p>	<p>Dawn Plummer</p>
<p><u>Response:</u> Each shared kitchen user is only asked to submit their intended dates and times of operations.</p>	
Section 341.3 (D) Shared Kitchens; Responsibilities in Shared Kitchens	
<p>171. Subsection (d) requires a log of use by each permit holder, and that should likely be sufficient to meet the requirement of maintaining a schedule as currently required in (c).</p>	<p>Dawn Plummer</p>
<p><u>Response:</u> The schedule requirement listed in (C) allows the Department to perform unannounced inspections. The log requirements listed in (D) allows the Department to verify the continued use of the shared kitchen by secondary users.</p>	
Section 344 Suspension of the Health Permit—Non-Imminent Hazard	
<p>172. Do closures occur due to Medium risk findings? Should this be High Risk only?</p>	<p>Food Safety Advisory Committee, Matthew Anselmo</p>
<p><u>Response:</u> See responses to Comment 18 and Comment 19.</p>	
Section 350 Food Safety Advisory Committee	
<p>173. The Food Safety Advisory Committee should include representatives from food rescue organizations as well as a member of a commercial delivery service as these are the largest emerging trends in the food space and should be represented in the committee overseeing these changes.</p>	<p>Leah Lizarondo</p>
<p><u>Response:</u> 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. The Advisory Committee is comprised of up to 17 members and the Department will continue to recruit new members to ensure diverse representation from across the food service sector on the Committee.</p>	
Section 352 Definitions	
<p>174. I recommend revisions to the definition of "food preparation" to provide</p>	<p>Abi Gildea</p>

COMMENT	COMMENTER(S)
<p>a more detailed description. I recommend the definition should exclude the pouring of beer, cider, mixed cocktails, etc.</p>	
<p>Response: ACHD is satisfied with the current definition for "food preparation." Facilities, however, may be evaluated on a case by case basis to determine if areas where beverages are being handled is considered a food preparation area or a customer area.</p>	
<p>175. Would tap towers be considered "food preparation" areas as some ACHD inspectors have opined recently? I am not aware of a precedent in Pennsylvania or nationally where tap towers are considered "food preparation" and I urge the ACHD to clarify the language as it relates to taproom areas.</p>	<p>Mike Tysarczyk</p>
<p>Response: Tap towers and other beverage dispensers are not in and of themselves a determining factor as to whether an area in a facility is designated a food preparation area. When making this determination, the ACHD consider factors including the extent of food handling. ACHD will update internal and external guidance to outline requirements for safe food handling in bar areas.</p>	
<p>176. I recommend placing the definition section at the beginning of the Article to help individuals who are not familiar with industry terms.</p>	<p>Stephanie Morales</p>
<p>Response: The proposed Article has been revised to include a note toward the beginning of the Article, in the "Glossary of Commonly Used Abbreviations," that directs the reader to the end of the Article to review definitions for food industry terms.</p>	
<p>General</p>	
<p>177. I recommend including guidance for the in-house composting of food scraps. The following should be addressed:</p> <ul style="list-style-type: none"> • What type of scraps are acceptable to be composted? • Where food scraps should be kept to ensure they aren't encouraging pests (how far away from kitchen doors)? • Approved containers for composting • Amount of time scraps should be composted for to be safe for use • How composted materials can be used (can it be given to customers, sold, used in a on-premises garden, etc.) • Any other relevant guidance on the matter 	<p>Nicolette Spudic</p>
<p>Response: This recommendation is beyond the scope of the current regulatory update but may be considered in future revisions to the Health Code. This proposal would need to be developed in conjunction with ACHD Solid Waste Management Program and the Housing and Community Environment Program.</p>	

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<p>178. I recommend including guidance for the growing of food on the premises. The following should be addressed:</p> <ul style="list-style-type: none"> • Can businesses grow food themselves to be used in food preparation? • What can and can't be grown? • Acceptable growing containers- would soil testing be required for in-ground growing? • Does the growing need to take place outdoors (as compared to growing herbs in-doors for example) • Can a business keep bees or chickens for eggs on property? • Would these products need to be treated differently than purchased products (I.e. stored differently) • Prohibited or gardening inputs (i.e. manure) - where and how to store gardening equipment/inputs (can sprays, soil amendments, etc. be stored with cleaning supplies or should they be separate?) • Guidance for food workers that tend or utilize the garden (should they change shoes and clothes before coming into the kitchen, other issues to avoid cross contamination, etc.) 	<p>Nicolette Spudic</p>
<p>Response: The current language provides sufficient food protection by requiring all food be from approved sources, including fruits and vegetables grown on site using sound agricultural practices. ACHD looks forward to collaborating with partners and compiling together best practices for facilities interested in these practices.</p>	
<p>179. How does the health department intend to open up access to proper equipment for food storage and transportation as well as funding for non-profit organizations with the proposed parameters?</p>	<p>Ashley Durham</p>
<p>Response: The ACHD will continue to work with facilities to gain and maintain compliance with current and proposed regulations. ACHD will create a guidance document specific to nonprofit organizations, including information on food storage and transportation.</p>	
<p>180. I encourage the ACHD to collaborate with food rescue and area nonprofit organizations on regulations that impact food donation and transport.</p>	<p>Joann Aurand, Brian Alderman, John Carson, Justin Carulli, Danielle DeWitt, Daniel Donovan, Bert Dorazio, Jennifer England, Robert W. Forloines, Stephanie Forrest, Dan Galvin, Rebecca Gaynier, Mike Hughes, Julia</p>

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	Longenecker, W. Luke Taiclet, Dr. Bev Moore, Renee Piechocki, Dawn Plummer
<u>Response:</u> ACHD appreciates your participation in the public comment process and has taken your comment into consideration when reviewing the regulation for possible changes. The ACHD Food Safety Program has worked with retail food facilities and nonprofit organizations to provide greater clarity within the food donation section.	
181. I am concerned that proposed changes to the Article could result in increased food waste, which has a negative impact on the environment.	Joann Aurand, Wendi W. Bognar, Lisa Considine, Diana Domian, Stephanie Forrest, Lorien Hart, Caldwell Linker, Wendy Long
<u>Response:</u> The ACHD Food Safety Program has worked with retail food facilities and nonprofit organizations to provide greater clarity within the food donation and transportation sections. The Food Safety Program encourages food facilities to participate in eco-friendly practices that adhere to food safety guidelines.	
182. I recommend that the Department plan to share the public document that captures all public input received with responses and proposed changes before the final revisions are presented for approval and vote by the Board of Health so that the public can understand, and if needed, respond to, revisions.	Dawn Plummer
<u>Response:</u> It is the intent of the ACHD to compile all public comments received into the Public Comment Response document and make it available on the Board of Health Meeting Minutes and Materials website and upon request.	
183. I recommend that the Department release an updated fee plan and schedule for public review, particularly as these have financial ramifications for the sector that is already struggling economically due to the ongoing pandemic.	Dawn Plummer
<u>Response:</u> A summary of fee schedule changes was presented to the Food Safety Advisory Committee on March 7, 2022 and the Department will continue to engage the Committee for input. Final review and approval of the fee schedule, however, is completed by the Board of Health. ACHD is working to ensure that food operators are not facing significant fee increases.	
184. General support for the proposed update to Article III as necessary to protect public safety.	John Longstreet, Mike Mitcham, Tom Neely
<u>Response:</u> ACHD appreciates your participation in the public comment process and your assistance in soliciting feedback from area operators.	
185. General support for the proposed update to Article III as it standardizes local code and incorporates relevant federal regulation.	John Longstreet, Mike Mitcham, Tom Neely

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<p><u>Response:</u> The proposed update to Article III aligns the regulations with the PA Model Food Code, the FDA Food Code, and Article XV "Plumbing." The program is dedicated to improving policies, procedures, and guidance documents to reflect regulatory updates and increasing transparency through the creation of public-facing documents.</p>	
<p>186. How are you communicating changes to Article III to permitted and non-permitted organizations?</p>	<p>Ashley Durham</p>
<p><u>Response:</u> For permitted facilities, ACHD will conduct outreach and disseminate materials to help facilities understand how their operations align with the updated Article III. These activities include mass email communications to permitted facilities and individual interactions between the inspectors and operators. The ACHD Food Safety Program will also update their website, create guidance publicly accessible guidance documents, post updates to social media, and provide a high-level summary of Article III updates. As non-permitted facilities are identified, ACHD will communicate the regulations and requirements and will work with facilities to gain compliance.</p>	
<p>187. What would the rollout process for updates to Article III look like for community organizations? How long would facilities have to make necessary changes and modifications?</p>	<p>Ashley Durham</p>
<p><u>Response:</u> ACHD will be in regular communication with area operators as updates to Article III become effective. As non-permitted facilities are identified, the ACHD will work with facilities to understand and gain compliance with current and proposed regulations.</p>	
<p>188. The regulations referred to in the Article should themselves be clearly articulated on the Health Department's website and easily available for download and in print.</p>	<p>Cynthia Caul</p>
<p><u>Response:</u> All Articles of the Allegheny County Health Code are posted on the Department's website and are available for download and print. The Food Safety Program website provides links to the FDA and the PA Department of Agriculture.</p>	
<p>189. There should be clear instructions for food businesses and commercial kitchens to register their spaces. These instructions should be clearly articulated on the Health Department's website and available for download and in print.</p>	<p>Cynthia Caul</p>
<p><u>Response:</u> The permitting process for facilities is outlined on the Food Safety Program website. ACHD will continue to communicate with Class I operators as the registration process is developed.</p>	
<p>190. Explanations of Article III regulations, clear instructions for businesses to register their spaces, and materials that pay special attention to transient food businesses and shared kitchens should be translated and</p>	<p>Cynthia Caul</p>

COMMENT	COMMENTER(S)
<p>readily available in relevant languages. The Department of Human Services has done a lot of work around language access and this could be modeled at the Health Department.</p>	
<p><u>Response:</u> As guidance documents become available, including those for mobile vendors and shared kitchens, the ACHD Food Safety Program will assess relevant languages for each guidance document and translate materials accordingly.</p>	
<p>191. Revisions to Article III are a great step, but focus should also be placed on internal processes, procedures, and educational tools and resources to ensure the accessibility of this information so that it can easily inform day-to-day operations of current and aspiring food businesses.</p>	<p>Cynthia Caul</p>
<p><u>Response:</u> The proposed update to Article III intends to not only increase accessibility for the public and operators but will also assist inspectors in their enforcement efforts. The program is dedicated to improving policies, procedures, and guidance documents to reflect regulatory updates and increasing transparency through the creation of public-facing documents.</p>	
<p>192. Special attention should be paid to the unique needs of transient food businesses and shared-use kitchen spaces in ensuring that the regulations are clear and clearly communicated to the public, including clearly articulated instructions that are available for download and/or print.</p>	<p>Cynthia Caul</p>
<p><u>Response:</u> ACHD will create guidance documents to assist shared kitchen users and primary permit holders in understanding their responsibilities under Article III.</p>	
<p>193. A feedback survey should be incorporated into the registration process and on the Health Department’s website to facilitate continued improvement.</p>	<p>Cynthia Caul</p>
<p><u>Response:</u> The Allegheny County Support Center offers a method for the public to ask questions, file complaints, and submit service requests.</p>	
<p>194. Until recently the ACHD deferred to the Pennsylvania Department of Agriculture regarding oversight of beer or malt beverage production. The current and revised versions of Article III do not mention beer or brewing, unlike the U.S. Food and Drug Administration Food Code, which the PA Department of Agriculture follows. If the ACHD plans to oversee brewery production, my question</p>	<p>Robert Dillman, Brian Eaton, Alan Grasso, Matthew Katase, Joshua Lipke, Stephanie Lipke, Matt McMahon, Mike Tysarczyk</p>

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is which set of regulations will take precedence?	
Response: The ACHD is the local authority that enforces food safety requirements in Allegheny County and will use the Code of Federal Regulations for processors, including beer and malt beverage manufacturing. These standards are the same requirements enforced by the PA Department of Agriculture.	
195. The ACHD should continue to follow current state and federal regulations with regards to the oversight of brewery production areas or defer to the appropriate state and federal agencies to permit and regulate alcohol beverage manufacturing instead of relying on Article III.	Robert Dillman, Brian Eaton, Alan Grasso, Matthew Katase, Joshua Lipke, Stephanie Lipke, Matt McMahon, Mike Tysarczyk
Response: <i>See response to Comment 194.</i>	
196. I am disheartened by the timing of these changes and concerned about the financial impact many of these changes will have on area businesses. The recent pandemic has caused financial stress to these businesses over the prior two years, and more regulation will simply serve to add a final nail to many proverbial coffins.	Matt McMahon
Response: The ACHD is aware of the current issues faced by many food facilities as a result of the pandemic. The ACHD will continue to work with facilities to gain and maintain compliance with current and proposed regulations.	
197. I do agree and understand that certain aspects of the proposed changes make sense in terms of food safety, but many others will add additional delays for new businesses opening as well as for sales of existing businesses due the removal of any "grandfathering".	Matt McMahon
Response: The proposed update to Article III aligns the regulations with the PA Model Food Code, the FDA Food Code, and Article XV "Plumbing." The ACHD will continue to work with facilities to gain and maintain compliance with current and proposed regulations.	
198. The more new regulations that are put into place, the harder it will be to have consistency and continuity across the many Health Department inspectors. By doubling the required restrictions, this can potentially cause major issues and delays both internally for the ACHD as well as for current and future business owners.	Matt McMahon

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<u>Response:</u> The ACHD Food Safety Program continually strives for standardization across inspectors. The proposed update to Article III intends to not only increase accessibility for the public and operators but will also assist inspectors in their enforcement efforts. The program is dedicated to improving policies, procedures, and guidance documents to reflect regulatory updates and increasing transparency through the creation of public-facing documents.	
199. Thank you to each and every member of the Allegheny County Health Department for your passion, dedication, and guidance to the citizens for whom you serve.	Christopher Czambel
<u>Response:</u> ACHD appreciates your participation in the public comment process.	
200. I understand the societal changes in the last 22 years and fully appreciate the responsibilities of the Allegheny County Health Department, and commend their efforts to review and revise regulations for the health and safety of our community.	John Carson
<u>Response:</u> ACHD appreciates your participation in the public comment process.	
201. We have always appreciated the Department's commitment to our guests and our communities. We recognize the County's objective — to update standards to account for the changes mentioned above. Furthermore, we applaud the Department's outreach on this subject...it would be a disservice not to acknowledge the openness and engagement from the ACHD on the updates.	John Longstreet, Mike Mitcham, Tom Neely
<u>Response:</u> ACHD appreciates your participation in the public comment process.	
202. We believe Allegheny County has been thorough and methodical with the recent updates.	John Longstreet, Mike Mitcham, Tom Neely
<u>Response:</u> ACHD appreciates your participation in the public comment process.	

Commenter Reference

1. Melinda Angeles (Volunteer, 412 Food Rescue)
2. Anonymous
Submitted via the Food Safety Advisory Committee
3. Matthew Anselmo (Senior Manager, Food Safety & Regulatory Compliance)
Submitted on behalf of Giant Eagle, Inc.
4. Joann Aurand (Volunteer, 412 Food Rescue)
5. Lauren Babich (Manager of Child Nutrition Programs, Greater Pittsburgh Community Food Bank)
6. Christopher Bandy (Volunteer, 412 Food Rescue)
7. Leah Bauer (Volunteer, 412 Food Rescue)
8. Sarah Bayliss

9. Jim Berman (Field Operations Lead, 412 Food Rescue)
10. Thomas Berna (Operations Manager, Fishes and Loaves Cooperative Ministries)
11. John Boerger (Volunteer, 412 Food Rescue)
12. Wendi W. Bognar (Volunteer, 412 Food Rescue),
13. Dave Breingan (Executive Director)
Submitted on behalf of Lawrenceville United
14. Cheyenne Buntain
15. Joni Butler
16. John Carson (Volunteer, 412 Food Rescue)
17. Justin Carulli (Supporter, 412 Food Rescue)
18. Cynthia Caul (Program Manager, Center for Regional Agriculture, Food, & Transportation (CRAFT))
19. Courtney Centner
20. Bruce Chan
21. Morgan Cikowski
Submitted on behalf of 412 Food Rescue
22. Lisa Considine (Volunteer, 412 Food Rescue)
23. Samantha Cook
24. Michele Cuesta
25. Christopher Czambel (Volunteer and Dispatch Associate, 412 Food Rescue)
26. Douglas Damico
27. Colin Dean (Donor, 412 Food Rescue)
28. Alexander Denmark
29. Danielle DeWitt (Supporter, 412 Food Rescue)
30. Kristen DiNardo
31. Diana Domian
32. Daniel Donovan (Director of Corporate Communications, Giant Eagle)
33. Bert Dorazio (Volunteer, 412 Food Rescue)
34. Jack Dougherty (Director of Special Events)
Submitted on behalf of Pittsburgh Downtown Partnership
35. Ashley Durham (Outreach and Communication Manager)
Submitted on behalf of Hugh Lane Wellness Foundation
36. Brian Eaton (Co-Founder, Grist House Craft Brewery)
Submitted as member of Pittsburgh Brewer's Guild
37. Jeffrey Eaton (Volunteer, 412 Food Rescue)
38. Jennifer England (Head of City Partnerships, 412 Food Rescue)
39. Tony Ferraro
40. Anne Fitzgerald (Volunteer, 412 Food Rescue)
41. Food Safety Advisory Committee (Allegheny County Health Department)
42. Tracy Ford (Volunteer, 412 Food Rescue),
43. Robert W. Forloines (Volunteer, 412 Food Rescue)
44. Stephanie Forrest (Supporter, 412 Food Rescue)
45. Dan Galvin (Supporter, 412 Food Rescue)
46. Dan Garcia
47. Rebecca Gaynier (Volunteer, 412 Food Rescue)
48. Michelle Giancomino
49. Abi Gildea (Business District Manager)
Submitted on behalf of the Lawrenceville Corporation
50. Alan Grasso (Allegheny City Brewing)
Submitted as member of Pittsburgh Brewer's Guild
51. Caitlin Grater Kapoor
52. Gretchen (Stephen Foster Community Center Meals on Wheels and Congregate Meal Program)
53. Tim Gyves

54. Mark Hamilton (Volunteer, 412 Food Rescue)
55. Gail Harper
56. Lorien Hart (Volunteer, 412 Food Rescue)
57. Darren Hartman (Business Development Lead, 412 Food Rescue)
58. Judith Hoover (Supporter, 412 Food Rescue)
59. Mike Hughes
60. Kathleen (Donor, 412 Food Rescue)
61. Gabrielle Keane
62. Kelly D. King (Food Pantry Coordinator, North Hills Community Outreach)
63. Kathleen Kovalik
64. John Lanigan
65. Nancy Lee Cochran (Director of Development, Shepherd's Heart Fellowship)
66. Barbara Lee
67. Sheila Levine
68. Caldwell Linker
69. Joshua Lipke (The Leaning Cask Brewing Company)
Submitted as member of Pittsburgh Brewer's Guild
70. Stephanie Lipke (The Leaning Cask Brewing Company)
Submitted as member of Pittsburgh Brewer's Guild
71. Leah Lizarondo (CEO and Co-Founder)
Submitted on behalf of 412 Food Rescue, Food Rescue Hero
72. Wendy Long (Volunteer, 412 Food Rescue)
73. Julia Longenecker
74. John Longstreet (President and CEO)
Submitted on behalf of Pennsylvania Restaurant & Lodging Association
75. Maggie Lyle (Volunteer, 412 Food Rescue)
76. Colleen Malley (Volunteer, 412 Food Rescue)
77. Alfred M. Mancini, MD
78. Lori Martin (Partner, 412 Food Rescue)
79. Nancy Martin (Volunteer, 412 Food Rescue)
80. Jean McGregor
81. Matt McMahon (Eleventh Hour Brewing Co.)
Submitted as member of Pittsburgh Brewer's Guild
82. Justin Miller (Supporter, 412 Food Rescue)
83. Mike Mitcham (Western Chapter President)
Submitted on behalf of Pennsylvania Restaurant & Lodging Association
84. Sara Montgomery
85. Dr. Bev Moore (Deputy Executive Director of Allegheny County Housing Authority, Partner with 412 Food Rescue)
86. Amanda Morales
87. Israel Morales
88. Stephanie Morales (Las Chicas)
89. Lucky Munro (Volunteer, 412 Food Rescue)
90. Joshua Murphy (Director of Sourcing, Greater Pittsburgh Community Food Bank)
91. Mari Murphy (Cook/Kitchen Coordinator, Southwest Meals on Wheels)
92. Jonathan Nadle
93. Tom Neely (Chairman of the Board)
Submitted on behalf of Pennsylvania Restaurant & Lodging Association
94. James Patton
95. Cheryl Pickering
96. Renee Piechocki (Volunteer, 412 Food Rescue)

97. Dawn Plummer (Executive Director)
Submitted on behalf of Pittsburgh Food Policy Council
98. Ashley Pound (Supporter, 412 Food Rescue)
99. John Renda
100. Kimberly Ressler (Volunteer, 412 Food Rescue)
101. John Rizzo
Food Advisory Council Member
102. Emily Rodgers
103. Dave Romesburg (hGrace Confections, llc.)
104. Frances Rupp (Volunteer, 412 Food Rescue)
105. J F Sabl
106. Michelle Sandidge (Chief Community Affairs Officer for the Housing Authority of the City of Pittsburgh,
Partner with 412 Food Rescue)
107. Erik Schlaich (Manager of Food Safety and Compliance)
Submitted on behalf of Eat'n Park Hospitality Group
108. John Schmidt
109. Steve Schohn (Volunteer, 412 Food Rescue)
110. John Seiffer
111. Jill Siegfried (Volunteer, 412 Food Rescue)
112. Suzanne Silliman (Supporter, 412 Food Rescue)
113. Henry Simonds
114. Peter Smith (Volunteer, 412 Food Rescue)
115. Nicolette Spudic (Food Innovation Lab Manager,
Center for Regional Agriculture, Food, & Transportation (CRAFT))
Food Advisory Council Member
116. Helen Stickney
117. Joanne Stuemppes
118. W. Luke Taiclet (Volunteer, 412 Food Rescue)
119. Joel Tarr
120. Addakin Thomas
121. Lauren Thompson
122. Ann Tomer (Volunteer, 412 Food Rescue)
123. Christina Treadwell (Chairperson, Snee-Reinhardt Charitable Foundation)
124. Mike Tysarczyk (Executive Director)
Submitted on behalf of Pittsburgh Brewers Guild
125. Rabbi Moishe Mayir Vogel (Executive Director, The Aleph Institute)
126. Richard Weiss
127. Roye Werner
128. Lindsay Wirtz
129. Lori Wortman (Volunteer, 412 Food Rescue)

412 Food Rescue Stakeholder Form Letter Commenters

- | | | |
|---------------------|---------------------|-----------------------|
| 1. Laura Adams | 7. Kelly Andrews | 14. Janis Atkins |
| 2. Sue Adkins | 8. Nancy Andromalos | 15. Kaitlin Augustine |
| 3. Alison | 9. Debi Arnett | 16. Nancy Augustine |
| 4. Brian Alderman | 10. Jenny Ashburn | 17. Joann Aurand |
| 5. Dorcas Alexander | 12. Michael Ashburn | 18. Amy B |
| 6. Thomas Anderson | 13. Tom Ashton | 19. Joseph Bacharach |

20. Staci Backauskas
21. Max Bader
22. Valerie Bader
23. Jill Baker
24. Ken Baker
25. Sara Marie Baldi
26. Mary Balich
27. Karen Balk
28. Marshall Balk
29. Lacy Ban
30. Jennifer Baron
31. Randy Bartlett
32. Erinn Batykefer
33. Maddie Bean
34. Mark Beck
35. Martin Beck
36. Rev. Philip Beck
37. Jessica Belowich
38. James Belt
39. Karrie Bender
40. Alberto Benzaquen
41. Laura Berman
42. Karen Bernard
43. Jessica Beu
44. Leah Biddle
45. Jeremy Black
46. Cherylie Blair Fuller
47. Daniela Bloch
48. Stephen Bober
49. Rev. Zachary Bohinski
50. Jamilka Borges
51. Martha Boward
52. Chad Bowers
53. Maria Brady
54. Quinn Edward Brant
55. Kate Brennan
56. Michelle Brocke
57. Kathy Brooke
58. Christina Brooks
59. Erika Bruce
60. Haley Buchanan
61. Samantha Buffoni
62. Allison Burns
63. Ashley Cadaret
64. Colleen Cain
65. Benita Campbell
66. Michael Cannizzaro
67. Constance Capiotis
68. Angie Carducci
69. Jane Casciato
70. Salvador Cassandro
71. Samson Cassel Nucci
72. Shaylun Caster
73. Morgan Castle
74. Stefanie Cellitti
75. Katherine Cheatham
76. Estelle Cherin
78. Susan Chersky
79. Roseann Chiappiale
80. Chris Chojnicki
81. Janice Christman
82. Symone Ciencin
83. Olivia Ciotoli
84. Sue Clifton
85. Barbara Cline
86. Maria Cohen
87. Hannah Confer
88. Deidre Conlon
89. Heather Conroy
90. Christine Corace
91. Mary Coryea
92. Marie Cosgrove-Davies
93. Ruth Craig
94. Jennifer Cristalli
95. Kate Cromie
96. George Crompton
97. Patrick Crowder
98. Chelsea Csuhran
99. Michael Cuccaro
100. Courtney Cummings
101. Kristin Cummings
102. Tom Current
103. James Dambrogio Jr.
104. Deb Davis
105. Kayla Davis
106. Elizabeth DeCarlo
107. Adrienne DeLallo Nellis
108. Audra Delo Benzschawel
109. Stacy Desai
110. Mike Devault
111. Julie DiCenzo
112. Christina Dickerson
113. Hannah Diehl
114. Carrie DiFiore
115. Karen DiFiore
116. Renee DiNuzzo
117. James Dishman
118. Alexandra Dobell
119. Donna Dobrzynski
120. Ellen Doherty
122. Janet Dominick
123. Shirley Dong
124. Elizabeth Donohoe
125. Donny Donovan
126. Mary Dorfner Hay
127. Sara Dougherty
128. Jill Duarte
129. Brandon Dudt-Mulzet
130. Tricia Dugan
131. Deb Dunton
132. Nancy Duray
133. Brian Easton
134. Joan Eichner
135. Seema Ekbote
136. Tracy Elias
137. Soukaina Eljamri
138. Michelle Elnyczky
139. Courtney Elvin
140. Elise Emanuele Wood
141. Jennifer Engel
142. Betsy Ensminger
143. Gail Evans-Potter
144. Jamie Falbo
145. Megan Falconer
146. Meadow Fallon
147. Terra Ferderber
148. Heidi Fimognari
149. Katrina Finn
150. Mary-Kay Fiore

151. Andi Fischhoff	194. Sandra Grote	237. Caitlin Janapol
152. Amanda Flynn	195. Carl Gruhn	238. Jia Ji
153. Sherri Ford	196. Deanna Guarnaccio	239. Arian Johnson
154. Jodi Forlizzi	197. Erin Guay	240. Julie Johnson
155. Robert Forloines	198. Danielle Guttridge	241. Larry Johnson
156. Stephanie Forrest	199. Mary Guzzetta	242. Victoria Johnson
157. Ashley Fortier	200. Stephanie Haas	243. Jane Joseph
158. Krystal Franklin	201. Amelia Hackimer	244. Sarah Jugovic
159. Betsy Freed	202. Autumn Hadbavny	245. Julie Kant
160. Mark Freed	203. Sarah Hall	246. Ameesh Kapoor
161. Stephanie Gagne	204. Alexandra Halpern	247. Bishal Karki
162. Patty Gallagher	205. Maya Haptas	248. Jennie Kaufman
163. Katie Gallo	206. Cecelia Hard	249. Krista Kay
164. Dan Galvin	207. Andrea Harkins	250. Julieanna Kear
165. Amy Garbark	208. Greta Harmon	251. John Kearns
166. Jill Garcia	209. Rebecca Harris	252. Michele Keffer
167. Meera Garg	210. Adam Hart	253. Nicholas Kelly
168. Deborah Garlock	211. Ashley Hatcher-Peralta	254. Raynise Kelly
169. Richard Gartner	212. Cynthia Hatok	255. Shane Kelly
170. Kate Gatto	213. Tricia Hedberg	256. Shannon Kelsh
171. Erin Gazica	214. Emily Heise	257. Nikki Kemp
172. Grace Geisler	215. Bill Hendricks	258. Mary Kennedy Withrow
173. Elaine Gelb	216. Karen Henery	259. Nick Kenyhercz
174. Deborah Gentile	217. Clyde Henning III	260. Kristen Kerr
175. Nancy Geraci	218. Alex Herd	261. Camille Kersey
176. Sybil Geraud	219. Ben Herring	262. Mohammed Khondakar
177. Betsy Gerson	220. Mary Ellen Hilko	263. Michelle Kiely
178. Ellen Giarrusso	221. Paul Hilko	264. Ellen Kiley
179. Dawn Gibson	222. Thomas Hill Jr.	265. Erin King
180. William Gillis	223. Brad Hlavach	266. JoAnn King
181. Dan Giotta	224. Jess Hobaugh	267. Jacob Klinger
182. Sowmiya Girish	225. Harry Hochheiser	268. Lindsey Knight Blocki
183. Allyson Gluckman	226. Leah Hoeschstetter	269. Sue Knochel
184. Pam Golubski	227. Michael Hoffman	270. Melissa Knorr
185. Keysha Gomez	228. Barbara Holmes	271. Nancy Knowles
186. Christina Gorski	229. Melissa Holmes	272. Ben Koerbel
187. Jen Gottschalk	230. Laura Howell	273. Christine Kolakowski
188. Liz Grater	231. Jan Hoyt	274. Jeff Koontz
189. Dr. Thalia Gray	232. Marie Huber	275. Josh Koshar
190. Amy Greenbaum	233. Joyce Huffman	276. Darcy Kovacs
191. John Greeno	234. Josh Inklovich	277. Leah Kozak
192. Jackie Greenwald	235. Ebony Jackson	278. Julie Kramer
193. Carisa Griffin	236. Jamie Jackson	279. Jen Kropinak

280. Daniel Kuhn	323. Morgan McCoy	366. Michael Paravati
281. Claudette Kulkarni	324. Dennis McDermott	367. Carmen Paris
282. Chris Kuznicki	325. Jennifer McDevitt	368. Diane Park
283. Ray Lach	326. Erin McLaughlin	369. Linda Parkinson
284. Christopher Lake	327. Nicole McLean	370. Arlene Pauley
285. Jordan Lake	328. Bill McMahan	371. Joet Pealer
286. Juliana Landis	329. Peter McMorrow	372. Jay Peffer
287. Jessica Landolina	330. Linda McNair	373. Bill Pepmeyer
288. Amy Larsen	331. Victoria Meister	374. Rachel Petry
289. Rachel LaSitis	332. Jeanne Michaud	375. Connie Phillips
290. Paul Laswick	333. Jenn Mikitka	376. Maria Piantanida
291. Julie Lazzaro	334. Lauren Miller	377. Dr. Lisa Pietrusza
292. Marco Leal	335. Laurie Mizrahi	378. Lisa Podolinski
293. April Lechwar	336. Lindsay Moneck Bard	379. Michele Poindexter
294. Azhar Leeton	337. Victor Monjaras	380. Emily Pollak
295. Patricia Lemer	338. Rebecca Morris	381. Kitrina Pople
296. JP Leskovich	339. William Morris	382. Victoria Potter
297. Nancy Levine	340. Allie Mullins	383. Emily Price
298. Stephanie Levine	341. Mary Mulvihill	384. Mike Priganc
299. Martha Lightfoot	342. Catherine Murray	385. Colleen Prokopik
300. Karen Lightman	343. Rick Murrell	386. Hussein Pwono
301. John Linko	344. Sharon Myers	387. Rebecca Quemado
302. Ray Lipowcan	345. Valerie Myers	388. Annie Quinn
303. Meagan Loewy	346. Alice Nadin	389. Lillian Rafson
304. Laura Longenecker	347. Bethany Narajka	390. Sally Rafson
305. Megan Lovett	348. Emma Neely	391. Albert Ragan
306. Jessica Lutz	349. Mary Nesby	392. Lori Randolph
307. Amy MacDonald	350. Allison Neusch	393. Jan Ranii-Dropcho
308. Madison MacDonald	351. Heather Neylon	394. Dr Ravindran
309. Rebecca Maclean	352. Sarah Nicholas	395. Michele Rawson
310. RoseAnn Madden	353. LaVelle Nichols	396. Marjorie Recker
311. Rachel Makary	354. A-M Niquelle	397. Lis Regula
312. Jessica Manack	355. Lindsay Nobles	398. Kimberly Ressler
313. Simone Marcus	356. Nicholas Nuar	399. Michael Ressler
314. Kathleen Martino	357. Courtney O'Connell	400. Cathleen Richards
315. Deborah Marziano	358. Lucia O'Connor	401. Elizabeth Richards
316. Caroline Massie	359. Michele O'Leary	402. Stanley Ricketts
317. Daniel Matt	360. Sara Onesi	403. Becky Robert
318. Joann Matten	361. Nick Orsborn	404. Rosanne Robinson
319. Linda Maus	362. Caitlin Ortis	405. Jerrod Rockhill
320. Judy McAuley	363. Patricia P	406. Laura Romah
321. Amy McCall	364. Richard Palagallo	407. Lori Romanias
322. Melissa McCombs	365. C Pan	408. Sam Romanias

409.	Kathleen Ronczka	452.	Doreen Solomon	495.	Rachel Vignola
410.	Amber Rooke	453.	Jackie Speedy	496.	Heather Visnesky
411.	Stephanie Ross	454.	Beatrice Spolidoro	497.	Justin Visnesky
412.	Jason Roth	455.	Cyd Stackhouse	498.	Thanh-Thanh Vorasiangsuk
413.	Zarky Rudavsky	456.	Elizabeth Stanley	499.	Byron Wade
414.	Sherrill Rudy	457.	Hannah Stanley	500.	Suzy Waldo
415.	Thomas Ruschak	458.	Cathy Steedle	501.	Alexa Walls
416.	Kay S	459.	Deanna Steele	502.	Jennifer Walters
417.	Julia Saintz	460.	Aaron Steinfeld	503.	Freda Wampler
418.	Daniel Salahuddin	461.	Eileen Stewart	504.	Christine Warden
419.	Holly Salcedo	462.	Desiree Stimac	505.	Linda Watson
420.	Gina Salvatori	463.	Amy Stitely	506.	Julia Wattick
421.	Samantha Schall	464.	Sarah Strano	507.	Kerry Weber
422.	Sarah Scherk	465.	Rebecca Studer	508.	Betsy Wehner
423.	Leslie Scheunemann	466.	Paul Suchko	509.	Courtney Weikle-Mills
424.	Joanne Schleifer	467.	Corey Summers	510.	Kelly Weinheimer
425.	Erin Schuetz	468.	Arvind Suresh	511.	Helene Weinraub
426.	Joseph Schuller	469.	Megan Sutherland	512.	Elissa Weiss
427.	Anthony Scott	470.	Tom Sweterlitsch	513.	Leigh-Anne Weiss
428.	Dennis Scott	471.	Erin Swift	514.	Richard Weiss
429.	Emily Scott	472.	W. Luke Taiclet	515.	Ronni Weiss
430.	Alea Seguiti	473.	Angelo Taranto	516.	Elizabeth Wells
431.	Mary Seman	474.	Bex Tasker	517.	Barbara White
432.	Valerie Shafer	475.	Erica Taylor	518.	Elizabeth Whiteman
433.	Ahimsa Shakti	476.	Natalie Taylor	519.	Jessica Whittington
434.	Ali Shapiro	477.	Stephanie Theuret	520.	Cara Wiegand-Bard
435.	Lisa Shaughnessy	478.	Chris Thomas	521.	Paige Wiegman
436.	Eli Shumaker	479.	Deborah Thompson	522.	Patricia Wihlborg
437.	Melissa Shushok	480.	Hallie Thyben	523.	Lee Willard
438.	Lyndsey Sickler	481.	Paige Tibbe	524.	Annette Williams
439.	Sarah Sidell	482.	Anna Tilisky	525.	Greg Williams
440.	John Sieminski	483.	Linda Tonin	526.	Lisa Williams
441.	Caroline Silla	484.	Joe Toscano	527.	Sarah Wilson
442.	Jeanna-Mar Simmons	485.	Melanie Tucek	528.	Jessica Winter-Franklin
443.	Kym Simmons	486.	Tina Tuminella	529.	Kaitlyn Wittig Menguc
444.	Becca Simon	487.	Diane Turnshek	530.	Ken Wolf
445.	Leah Simoncelli	488.	Stephanie Ulmer	531.	W. Wood
446.	Clark Slater	489.	Karen Ungarino	532.	Ethan Woodfill
447.	Debra Smit	490.	Melanie Vadney	533.	Rev. Michael Wurschmidt
448.	Bobby Smith	491.	Stacey Valalik	534.	Judith Yanowitz
449.	Cathy Smith	492.	Hilda Valdespino	535.	Namita Yende
450.	Melia Smith	493.	Violeta Valenzuela	536.	Leeann Younger
451.	Kate Snow	494.	Olivia Vanistendael	537.	Lauren Zabelsky

538. Emily Zambito
539. Susan Zeidner

540. Christina Zito
541. Sean Zuza

Commonly used Acronym Key

Model Food Code (FDA Food Code)	MFC
Certified Food Protection Manager	CFPM
Public Comment	PC

Change Section	Description of Change	Change Reasoning / Reference
Table of Contents	Effective date section added.	PC
Table of Contents	Tables and Charts were assigned a section number.	Formatting/ omission correction
Glossary of Abbreviations	NST – Non-sewered Toilet added to the abbreviation list.	PC
Note Added after the glossary	A statement directing readers to the end of the Article for the definitions.	PC
300	The term ‘revocation’ was removed.	PC/ This term was used in conjunction with the suspension of a food permit. The removal provides clarity and limits confusion.
302.1	“The food permit shall be issued to the person or party responsible for food safety and handling.”	PC/ This was implied, but not clearly stated in the Article.
302.1	The description of nonprofit organizations moved to § 302.3(D)	PC/ Non-profit status impacts a facility’s permit fee (§302.3), not the classification which is based on food handling complexity or permit.
302.1(D)	Paragraph designation changed.	Formatting
302.1(E)	Paragraph designation changed.	Formatting
302.2(B)	Clarifying language and examples of the types of food and handling practice for Class II facilities placed into the text for clarity.	PC/ Clarity

Article III, Detailed list of Changes

13 April 2022

Change Section	Description of Change	Change Reasoning / Reference
302.2(C)	Clarifying language and examples of the types of food and handling practice for Class III facilities placed into the text for clarity.	PC/ Clarity
302.3(C)	'Owner or Operator' removed and replaced with 'operating'.	Clarity
302.3(C)	'Business Activity' replaced with 'distinct food facility'.	PC/ 'Business activity' could be interpreted as excluding non-profit organizations.
302.3(D)	The description of nonprofit organizations moved from § 302.1	Non-profit status impacts a facility's permit fee (§302.3), not the classification which is based on food handling complexity or permit.
302.3(E)	The word 'fourteen' added and the number placed in parenthesis.	Formatting
302.3(F)	The word ' six' added and the number placed in parenthesis.	Formatting
303.2	Placard capitalized.	Formatting
303.3	Placard capitalized.	Formatting
303.3(A)	Section separated in subsections for clarity.	PC/ Clarity
303.3(B)	Section separated in subsections for clarity.	PC/ Clarity
303.3(B)	'An' changed to 'A', and 'inspection changed to 'reinspection'	Clarity
303.3(B)	The words 'twenty-four' and the parenthesis around the numbers removed.	Formatting
303.3(B)	The statement that a "permit holder may request a reinspection, in writing, before the expiration of the ten (10) day period" for a consumer alert placard was added.	PC/ This addresses a provision that was implied, but not stated clearly.
303.4	Placard capitalized.	Formatting
303.4	The 'unlawful to operate a closed food facility' statement moved to the end of the subsection 303.4(B).	PC/ Clarity

Article III, Detailed list of Changes

13 April 2022

Change Section	Description of Change	Change Reasoning / Reference
303.4	Section reorganized.	PC/ The formatting of 303.4 is now like 303.3.
303.4(A)	Paragraph designation changed.	Formatting
303.4(A)	"Suspend the food permit" language added for clarification.	Clarity
303.4(B)	Reference to § 345 which covers the Closure placard removal process.	PC/ The process was not clearly referenced in the text.
304.1	The word 'General' added to the subsection heading.	Formatting
304.2(A)	The word 'application' added to the list of paperwork that must be submitted for plan review.	The planned processes for changes of facility ownership and class I facilities are applications, not "construction" plans.
304.2(A)	"Alterations limited to replacement of equipment for an item of similar construction and use shall not require plans."	PC/ Clarify the exemptions to plan review. Addresses and modifies current internal policies.
304.2(A)(5)	'Or' added after the semi-colon.	Formatting
304.2(B)(2)	'Or' removed after the semi-colon.	Formatting/ Omission from previous draft
304.2(B)(5)	'Establish by the Director' removed.	This statement does don't reflect the current method of fee schedule changes.
304.2(B)(2)	'And' removed and a coma placed after 'materials'.	Formatting
304.3	The word 'ten' added and the number placed in parenthesis.	Formatting
305	Capitalization of 'unannounced' and 'inspections' removed.	Formatting
305	Food facilities that operate on an irregular schedule are required to provide the FSP with planned or 'anticipated' dates, times, and 'locations' of operations once a year.	PC/ Language was added to clarify that it is an anticipated schedule.
306(A)	The word 'five' added and the number placed in parenthesis.	Formatting

Article III, Detailed list of Changes

13 April 2022

Change Section	Description of Change	Change Reasoning / Reference
306(A)	The event registration requirement was clarified to state that when 5 or more food facilities are present at the same time, registration is required.	PC/ Clarification
306(A)	The word 'fourteen' added and the number placed in parenthesis.	Formatting
306(A)	The word 'must' replaced with 'will'.	The only information that could lead to an enforcement action is #6, 'waste and refuse disposal plan'. All the other information is used for general planning of FSP resources.
308.1(B)	'Food' capitalized at the beginning of the sentence.	Formatting
308.3	The word 'Equipment' added after Clean in Place.	Clarification that this section is regarding the equipment, not the process.
308.3(A)	The word 'and' removed after the semi-colon.	Formatting
308.3(B)	The word 'and' removed after the semi-colon.	Formatting
308.4	Hyphen added between 'food' and 'contact'. Contact capitalized in the subsection heading.	Formatting
308.6(C)	Dishwashing machine water pressure requirements added.	PDA/ MFC 4-501.113
309.2(A)	Capitalization of 'table' removed.	Formatting
309.2(A)	'Shall' capitalized.	Formatting
309.2(A)	'Unless' capitalized.	Formatting
309.2(B)	'Unless' capitalized.	Formatting
310.4	Subsection added covering returnable items, the process and equipment.	PC/ MFC 4-204.13/ Omission from the previous draft
310.5	Subsection lettered.	Formatting

Article III, Detailed list of Changes

13 April 2022

Change Section	Description of Change	Change Reasoning / Reference
311	The requirements for cleaning and sanitizing were expanded and clarified.	PC/ Public commenters asked specific questions regarding cleaning and sanitation. To address these questions references to the MFC were removed, and the language placed directly into the Article. The complexity of this subject necessitated multiple amendments throughout this section and in others, such as plumbing (321(C)).
311.1	Subsection separated into subparagraphs.	Clarity
311.1	The general requirements for cleaning and sanitizing were expanded and clarified.	MFC 4-601.11
311.1(C)	"Food-contact surfaces and utensils shall be sanitized after cleaning" added.	MFC 4-701.10
311.1(D)	The paragraph for the cleaning of non-food-contact surfaces reworded.	Clarity
311.2(A)	The frequency of cleaning food-contact surfaces used for TCS food items was expanded to provide clarity.	MFC 4-602.11(A-C)
311.2(A)(5)	The phrase 'during which' replaced with 'when'.	Clarity
311.2(B)	The word 'where' removed, and 'Equipment' capitalized as the first word in the sentence.	Formatting/ Clarity
311.2(B)	Language removed that did not add meaning to the requirement for cleaning food-contact surfaces use for TCS foods every 4-hours removed.	Clarity
311.2(B)	The exception to the general 4-hour cleaning requirement was expanded to provide clarity. MFC Reference removed.	MFC 4-602.11(D)
311.2(D)	The cleaning frequency for Non-TCS food contact surfaces expanded to provide clarity.	MFC 4-602.11(E) – 4-602.12
311.1	Referenced section number changed	Formatting
311.4(C)	Reference to the chlorine sanitizer concentration table added.	Formatting

Article III, Detailed list of Changes

13 April 2022

Change Section	Description of Change	Change Reasoning / Reference
311.4(E)	MFC reference removed, reference to § 311.5 added.	Clarity
311.4(F)	Cleaning requirements for Non-TCS dry food contact surfaces added.	MFC 603.11
311.5	Cleaning procedures without a 3-compartment sink added. If washing in sink compartments or a dishwashing machine is impractical, such as when the equipment is fixed or too large, alternative cleaning and sanitation procedures must be used.	PC/ MFC 4-301.12
311.5(B)(5)	A reference to the requirements for using a 2-compartment sink.	Added in response to public comments and addition of MFC language.
311.6	Subsection designation changed.	Formatting
311.7	The process for cleaning and sanitizing equipment that is designed to be 'Cleaned in Place' added.	An error was identified. The requirements for Cleaned in Place equipment was repeated in the cleaning process section.
311.8	Subsection designation changed. Language added to include the process for air drying cleaned in place equipment.	Formatting/ Clarification
311.9	Subsection designation changed.	Formatting
312.2(D)	Areas of a food facility were openings to the outside must be protected were added.	Public commenters requested clarification for open air dining spaces and proper pest control. [Guidance documents will be created]
312.5	Carpet use restriction was moved from the bottom of the subsection to the top and expanded to provide clarification.	/ MFC 602.14
313.2(E)	The capitalization of 'monoxide' was removed.	Formatting
316.1(A)	Clarification was added stating the pet friendly areas must be 'external' to the food facility. Reference to § 316.2 was removed.	/ PDA
316.1(A)(5)	The reference to the 'Pet Friendly Areas' subsection was removed.	PC/ PDA

Article III, Detailed list of Changes

13 April 2022

Change Section	Description of Change	Change Reasoning / Reference
316.2	The entire “Pet Friendly Areas’ subsection was removed.	PC/ In coordination with the PA Department of Agriculture (PDA) this section was removed. Allowances must be address by variances approved by both the ACHD and PDA.
317.2	Subsection separated into two paragraphs (A) & (B).	Clarity
319	The word ‘twenty-five) was added and the number placed in parenthesis.	Formatting
321(C)	The word ‘serves’ added to match Article XV (Plumbing). Exceptions to the 3-compartment sink requirement added.	PC/ Article XV, Table AC-403.1, footnote 5
321(C)(1)	The requirements and the process of using a 2-compartment sink was added in response to public comments regarding alternative cleaning procedures.	PC/ MFC 4-301.12
322.1	“The doors of toilet rooms shall not open directly into any food preparation, warewashing, or food storage area.”	PC/ The general language from the previous draft was removed and replaced with more specific terms. [Guidance documents will be created for greater clarity]
323(D)	Language changed to clearly state the intent. “Handwashing sinks may not be used for purposes other than handwashing. “	Clarity
323(K)	The acronym for non-sewered toilets, commonly referred to as porta-johns, was spelled out.	Clarity
325(A)	Language added from the PA Food Employee Certification Act. The CFPM requirement only applies to ‘retail’ food facilities that handle ‘unpackaged’ TCS foods.	PC/ PA Food Employee Certification Act, §6510/ Clarity
325(A)	Parenthesis removed from the word ‘one’ and placed around the numeral.	Formatting
325(B)(1)	Allowance for a single Certified Food Protection Manager (CFPM) at temporary events were multiple stands/temporary food facilities are operated by the same business.	PA Food Employee Certification Act, §6504(a.1)(2)

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Change Section	Description of Change	Change Reasoning / Reference
325(D)(1)	Commas place before and after 'but not limited to'. The word 'some' was removed.	Clarity
325(D)(1)	Food facilities deemed by the department to not require a CFPM may be required to obtain alternative training.	Many food facilities, such as day cares, do not conduct complex food handling and much of the CFPM training is not applicable to the operations of the facility. Requiring a Certified Food Safety Handler certification (1 step down from CFPM) would provide employees with training and basic knowledge required for safe food handling in their facility.
325(E)	Nonprofit facilities are exempt from all CFPM requirement.	Compliance with the PA Food Employee Certification Act, §6510(d).
326.1	Referenced section numbers changed.	Formatting
326.1(5)	The word 'records' was added.	The intent of this requirement is for the facility to provide records of cleaning and maintenance of their great interceptor, not just a schedule. / Article XV, AC-1003.10.
326.3(A)	Redundant word 'prepared' removed.	Clarity / Prepare and handling have similar meanings, but the word prepare causes some readers confusion due to it being a defined term.
326.3(B)	The word 'ninety' added and the number placed in parenthesis.	Formatting
326.3(C)	The words 'ninety', 'thirty', & 'five' were added, and the numbers placed in parenthesis.	Formatting
326.4(3)	'If required' added.	PC/ All food facilities are not required to have a CFPM, this change provides clarity.
326.7	The word 'two' was removed and the parenthesis around the numeral were removed.	Formatting

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Change Section	Description of Change	Change Reasoning / Reference
326.7	The term 'revocation' removed.	The terms suspension and revocation were previously used to describe Closure placards placed for different reasons. The term was removed for clarity and simplicity.
327.1(B)	Description of the activities of food workers removed.	The term 'food worker' is defined with the activities.
327.2(A)	The word 'products' added after tobacco.	PC/ Clarity
327.3	Reference to hand contamination removed.	MFC 4-904.12/ Focus placed on the prevention of contaminating clean tableware.
327.5	Hair restraint exception added for wait-staff that only serve beverages or wrapped foods.	MFC 2-402.11
327.8	Capitalization removed from 'food'.	Formatting
328.2(A)	The word 'three' added and the number placed in parenthesis.	Formatting
328.3(A)(6)	Norovirus diagnosis added to food worker restriction list.	MFC 2-201.12
328.3(A)(7)	Number designation changed.	Formatting
328.3(A)(8)	Number designation changed. The number '2' was added with parenthesis.	Formatting
328.3(C)	The word 'thirty' added and the number placed in parenthesis	Formatting

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Change Section	Description of Change	Change Reasoning / Reference
328.4	Communicable disease replaced with a reference to the previous 2 sub-sections.	PC/ The term “communicable disease” could be interpreted beyond the intent of the PA Department of Health and ACHD.
329.1	Packaged food received by a food facility must be properly labeled.	MFC 3-201.11 in conjunction with the addition of the labeling section.
329.2(A)	Pasteurized milk requirement removed.	Omission from previous draft/ PA Milk Sanitation Law.
329.2(B)	Capitalization added to the proper nouns, ‘Molluscan’ and ‘Shellfish’.	Formatting
329.2(B)(4)	The word ‘ninety’ added and the number placed in parenthesis.	Formatting
329.2(F)	The word ‘ninety’ added and the number placed in parenthesis.	Formatting
332.3(C)	The previous draft paragraph (C) was moved to a sperate subsection. The originally designated paragraph was restored.	Clarity
332.3(D)	Paragraph designation changed.	Formatting
332.5	Moved from previous draft §332.3(C). The allowance for aseptic commercial packaged liquid TCS food items to be held outside of normal temperature parameters if contained in special designed equipment.	Related to the cleaning and sanitation changes / MFC 4-204.13
332.6	Date marking requirements expanded to provide clarity.	MFC 3-501.17
332.6(A)	Rephrased to provide clarity and redundant language removed.	Clarity

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Change Section	Description of Change	Change Reasoning / Reference
332.6(B)	The process for date marking prepared, frozen, then thawed food items taken from guidance documents and placed into the regulation.	Clarity/ This process was only found in guidance documents. Article III is intended to be a primary source document for common processes.
332.6(C)	The process for date marking packaged food after the package is opened.	Clarity/ MFC 3-501.17
333.3(A)(2)	Referenced table number changed.	Formatting
333.3(A)(3)	Approved by the Department removed. Alternative cooking time & temperature combinations for ground and comminuted meats add by reference to the MFC.	MFC 3-401.11(B)
333.5(A)	The word 'six' was removed and the parenthesis around the numeral were removed.	Formatting
333.5(E)	The word 'thirty' added and the number placed in parenthesis.	Formatting
333.6(A)	The word 'two' removed and the numeral added.	Formatting
333.6(D)	Referenced subsection was corrected.	Formatting
333.8(E)(1)	A typographical error in the word 'molluscan' was corrected.	Error correction
333.9	Food label requirements for food items added.	The terms 'Date Marking' and 'Labels', were identified as a significant source of confusion during the public comment period./ MFC 3-602.11 & PDA Guidance documents

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Change Section	Description of Change	Change Reasoning / Reference
333.10	Subsection designation changed.	Formatting
334.3	Delivery requirements and exemptions added.	PC/ This section was added to differentiate 'Delivery' from 'Transport'. The general requirement to protect food from contamination is still applicable, but temperature maintenance for food that is intended for immediate consumption or distribution to a consumer does not require temperature control. These requirements may change with the updated MFC.
334.4	Subsection designation changed.	Formatting
334.5	Subsection designation changed.	Formatting
334.5(A)	MFC language rephrased for clarity.	PC/ Clarity
334.6	Subsection designation changed.	Formatting
334.6(A)	Capitalization of 'articles' removed.	Formatting
334.7	Subsection designation changed.	Formatting
334.7(B)(2)	Reference added	Cleaning & Sanitation change requirement.

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Change Section	Description of Change	Change Reasoning / Reference
334.7(B)(4)	Cleaning requirement for dispensing utensils, such as ice cream scoops stored in running water, extended to every 24-hours under specific conditions.	Cleaning & Sanitation change requirement.
334.8	Subsection designation changed.	Formatting
334.8(A)	'From contamination' added to the ambiguous requirement for protecting condiments.	Clarity
334.9	Subsection designation changed.	Formatting
334.10	Subsection designation changed. The word 'is' replaced with 'are'.	Formatting/ Clarity
334.11	Subsection designation changed.	Formatting
335	Language was removed, added, or changed to for clarity throughout this section.	Public commenters presented areas where the terms used were too vague or possible contradictory.
335.1	General requirements for donated food added.	PC / Language from the Bill Emerson Food Donation act was added to provide a general overview of the requirements for donated food items.
335.2	Language from § 334.10 Re-Service of Food, added for clarity.	Clarity
335.2(A)	'Sealed packaging' added to provide clarity of intent.	Clarity
335.2(A)	"After service' added to the end of the sentence.	The intent is for unopened milk to be promptly refrigerated after it is served if it remains unopen.

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Change Section	Description of Change	Change Reasoning / Reference
335.2(B)(1)	'In sealing packaging' added.	The intent is to ensure that the food has not been contaminated by a customer prior to donation.
335.3	'Prepared' added to provide clarity of the intent.	Clarity
335.3	'Time of donation' added to provide clarity when the following requirements must be met.	Clarity
335.3(A)	The general requirement for contamination prevention added.	During the public comment period it was observed that most readers do not read the entire document, and only focus on specific areas. Repeated information was required in specific sections for clarity.
335.3(B)	Paragraph designation changed.	Formatting
335.3(B)	'Cold TCS' food specified. Redundant language removed.	Clarity
335.3(C)	Paragraph designation changed.	Formatting
335.3(C)	'Hot TCS' food specified. The word 'refrigerated' replaced with 'cooled'.	Clarity
	The previous paragraphs (C) & (D) removed.	(C)The substantiate requirement was found to be too strict. / (D) This provision is now address in the transport and the delivery sections.
335.3(D)	Previous version subsection 335.3 designated as a paragraph.	Formatting
335.3(D)	'Prepared TCS' added to clarify the intent. 'Labeled' removed to prevent confusion. Reference to the date marking section added.	Clarity

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Change Section	Description of Change	Change Reasoning / Reference
	Previous subsection 335.4 removed.	PC/ Requirements covered in the following subsections.
335.4	Subsection designation changed.	Formatting
335.5	The word 'or' added after 'smoke'.	Clarity
335.6	Responsibilities of organizations that received donated food added.	PC / Language added from the PA Donated Food Limited Liability Act. The text was changed where the act states "reasonably inspect" in § 5(b)(1)) and replaced with "inspect the food for contamination, adulteration, and signs of temperature abuse". [Guidance Documents will be created]
336.1	Subsection separated into distinct paragraphs.	Clarity
336.1(A)	Types of contamination added, "chemical, physical, and biological".	PC
336.1(B)	Description of the type of equipment that must be used for food transportation.	PC
336.1(C)	Subsection added to clarify that Transport is not Delivery.	PC
336.2	Clarification on the intended meaning of Transport and detail for the transport of fruits and vegetables added.	PC
336.3	The type of contamination changed to match 336.1(A).	Clarity

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Change Section	Description of Change	Change Reasoning / Reference
337.1(F)	Caveat added to the custom processing of deer meat.	PDA / MFC 3-502.11
337.1(J)	The word 'another' changed to 'other'	Clarity
337.3	Capitalization of Oxygen Packaging.	Formatting
337.3(B)(3)	The word 'thirty' added and the number placed in parenthesis.	Formatting
337.3(B)(4)	The word 'thirty' added and the number placed in parenthesis.	Formatting
337.3(C)	Semi-colon changed to a period.	Formatting
337.3(D)(1)	Referenced section number changed.	Formatting
337.3(D)(2)	The words 'thirty' and 'seven' added and the numbers placed in parenthesis.	Formatting
337.3(D)(3)	'Regulatory Authority' changed to 'Department'. The word 'six' added and the number placed in parenthesis.	Formatting
337.3(E)	The word 'thirty' added in 2 places and the numbers placed in parenthesis.	Formatting
339.1(C)	Allowance for a mobile food facility to serve food with reusable utensils if adequate dishwashing equipment is available.	PDA/ Identified as too restrictive, if a mobile food facility has the equipment to safety wash & sanitize utensils, they should be allowed to use reusable utensils.

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Change Section	Description of Change	Change Reasoning / Reference
339.2(A)	Shared kitchens added as an example of a commissary.	PC
339.2(E)	The word 'eighteen' added and the number placed in parenthesis.	Formatting
340.2	Capitalization of 'beverages' removed.	Formatting
340.3(D)	Subsection rephrased to provide clarity without the need for referenced subsection directly above.	Clarity
340.4	Subsection number changed.	Formatting
340.5	Subsection number changed.	Formatting
341.1	Menu modification or food preparation added as examples of restrictions that may be imposed by the Department for facilities using a shared kitchen.	PC/ This restriction is required to prevent food facilities using shared kitchens from conducting processes that are beyond the capability of their equipment. This matches the restriction already in place for temporary food facilities.
341.3(A)(3)	The word 'twelve' added and the number placed in parenthesis.	Formatting
341.3(B)(5)	The word 'transport' added to differentiate between delivery.	Clarity
342.1(D)	Coma between <i>food</i> and <i>shall</i> was removed.	Formatting

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Change Section	Description of Change	Change Reasoning / Reference
342.1(G)	24-hour surveillance required at self-service food facilities.	PDA / Required due to the Person-in-Charge and CFPM requirements.
342.2(A)	Reference to the labeling in the MFC removed, reference to section 333.9 Labeling added.	Clarity
343(A)	Capitalization of 'placard' removed.	Formatting
350(A)(2)	The words 'nine' and 'seventeen' were added and the numbers placed in parenthesis.	Formatting.
350(A)(6)	The word 'three' was added and the number placed in parenthesis.	Formatting.
353 (Definitions)	Definitions section number designation changed.	Formatting
353	'Delivery' added.	PC/ Distinguish between transport and delivery.
353	'Food preparation' amended to provide clarity.	The definitions for 'food preparation' and 'preparation' were combined.
353	'Food Worker' the broadness of the definition was reduced, and specifics added	The previous definition was too broad and included "any person working in a food facility". In the Article it is use more specifically based on the activities of the employee. / MFC 1-201.10
353	'Low Risk violation' added.	Definition omission correction.
353	'Packaged' amended.	The complete MFC (1-201.10) definition was inserted, except that the word wrapped was removed to prevent confusion.

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Change Section	Description of Change	Change Reasoning / Reference
353	'Preparation' text deleted and replaced with 'See Food preparation'.	The definitions for 'food preparation' and 'preparation' were combined.
353	'Retail food facility' amended to include indirect food delivery methods in the MFC definition.	PC/ MFC 1-201.10 (Food Establishment)
353	'Risk Factor' edited to resemble the "Priority" classification used in the MFC.	PC/ The risks by the FSP are a blend of the CDC's risk factors for foodborne illness and the MFC's priority system [Core item – low risk, Priority item – Medium risk, Priority Foundation item– High risk].
353	'Transportation' added.	PC/ Distinguish between transport and delivery.
354	Cleaning Frequency, Chlorine Sanitizer, and Cooking Times and Temperatures tables added.	Omission correction.

**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
NST	Non-Sewered Toilet
PDA	The Pennsylvania Department of Agriculture
TCS	Time and Temperature Control for Safety
USDA	The United States Department of Agriculture

Full definitions for these and other terms that apply to the interpretation and application of this Article can be found at the end of the Article in § 353.

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 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. The food permit shall be issued to the person or party responsible for food safety and handling.

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. 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.

E. 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 handles commercially prepackaged TCS food such as, but not limited to, milk, eggs, and cheese, which remain in sealed packaging while stored in the food facility.

C. Class III is a food facility that handles TCS food and regularly prepares food for same day service without a cooling step or a food facility 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 permit holder operating more than one distinct 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. Nonprofit permanent food facilities including, but not limited to, those listed below that handle or offer food for human consumption shall pay fees related to their classification stated in § 302.2 and their nonprofit status:

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, 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. 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 fourteen (14) days. 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 six (6) months. The seasonal food permit shall act as the placard for operation of a seasonal food facility.

G. 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.

H. 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 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

A. 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 temporary period not exceeding ten (10) calendar days.

B. A reinspection 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 24 hours after the Consumer Alert placard is posted. The Department retains the right to inspect a facility within the 24 hour period for emergency situations. The permit holder may request a reinspection, in writing, before the expiration of the ten (10) day period. 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

A. The Department is authorized to post the "Closed by Order of the Allegheny County Health Department" placard on food facilities and suspend the food permit 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 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.

B. It shall be unlawful to operate a 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 as stated in § 345.

SECTION 304. FOOD FACILITY PLANS AND APPLICATIONS

304.1 General

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, specifications, and applications 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;
2. An existing structure is converted to a food facility;

3. A food facility is altered extensively, including but not limited to installation and use of any new major food equipment for heating, cooling, and hot and cold holding food.

(a). Alterations limited to replacement of equipment for an item of similar construction and use shall not require plans.

(b). Alterations limited to cosmetic changes to customer areas that do not alter pest control shall not require plans.

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, 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 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(A) 1-3 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 ten (10) 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. At least once a year, 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 notice of planned or anticipated dates, times and locations of operations.

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 five (5) or more food facilities will operate at the same time must complete an event organizer's application for the temporary or seasonal event at least fourteen (14) calendar days before the expected start of the event. The application will include the following information:

1. Estimated number of food facilities 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

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;
- 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. The pressure range shall be within the range specified on the machine's data plate and may not be less than 5 pounds per square inch (35 kilopascals) or more than 30 pounds per square inch (200 kilopascals).

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 Returnable Items

A. Retail food facilities that accept empty returnable containers for refilling with food shall send containers to a regulated food processing plant to be inspected, cleaned, sanitized, and refilled, except as specified in this subsection.

B. A take-home food container returned to a retail food facility may be refilled at a retail food facility with food if the food container is:

1. Designed and constructed for reuse and in accordance with the requirements specified under sections 307 and 308;
2. One that was initially provided by the retail food facility to the consumer, either empty or filled with food by the retail food facility, for the purpose of being returned for reuse;
3. Returned to the retail food facility by the consumer after use; and
4. Subject to the following steps before being refilled with food:

- a. Cleaned and sanitized as specified under § 311; and
- b. Visually inspected by a food worker to verify that the container, as returned, meets the requirements specified sections 307 and 308.

C. A take-home food container returned to a retail food facility may be refilled at a retail food facility with a beverage if:

1. The beverage is not a TCS food;
2. The design of the container, the rinsing equipment, and the nature of the beverage, when considered together, allow effective cleaning at home or in the retail food facility;
3. Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;
4. The consumer-owned container returned to the retail food facility for refilling is refilled for sale or service only to the same consumer; and
5. The container is refilled by:
 - a. A food worker, or
 - b. The owner of the container if the beverage system includes a contamination-free transfer process as specified under specified under § 4-204.13(A), (B), and (D) of the MFC, that cannot be bypassed by the container owner.

D. Consumer-owned, personal take-out beverage containers, such as thermally insulated bottles, non-spill coffee cups, and promotional beverage glasses, may be refilled by employees or the consumer if refilling is a contamination-free process as specified under § 4-204.13(A), (B), and (D) of the MFC.

E. Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

310.5 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

A. Equipment, food-contact surfaces, and utensils shall be clean to sight and touch.

B. The food-contact surfaces of cooking equipment shall be kept free of encrusted grease deposits and other soil accumulations.

C. Food-contact surfaces and utensils shall be sanitized after cleaning.

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

311.2 Cleaning Frequency

A. To prevent cross-contamination, utensils and food-contact surfaces shall be cleaned in accordance with § 311.4 or § 311.5 of this Article. This practice shall be done:

1. Before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry.
 - a. Except if in contact with a succession of different types of raw meat or poultry each requiring a higher cooking temperature than the previous as specified under § 333.3;
2. Each time there is a change from working with raw foods to working with ready-to-eat foods;
3. Between uses with raw fruits and vegetables and with TCS foods;
4. Before using or storing a food temperature measuring device; and
5. Following any interruption of operations when contamination may have occurred.

B. Equipment and utensils contacting TCS food shall be washed, rinsed and sanitized at least every 4 hours. Equipment and utensils contacting TCS food may be cleaned and sanitized at a time interval other than every 4 hours if:

1. The container is used to store TCS food or the utensil is stored in TCS food maintained at temperatures specified in § 331(A) and cleaned when the container is empty or at least every 24 hours;
2. Used to prepare TCS food in a refrigerated room and cleaned according to the time and temperature combinations stated in Table 354.1 Cleaning Frequency;
3. In-use utensils are intermittently stored in a running water dipper well or water at 135°F or higher and cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues, as stated in § 334.7(B)(4); or
4. The cleaning schedule is approved by the Department based on the food temperature, type of food, amount of food particle accumulation, and potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease.

C. The food-contact surfaces of cooking and baking equipment, and the cavities and door seals of microwave ovens, shall be cleaned at least once a day. This shall not apply to hot oil cooking equipment and hot oil filtering systems.

D. The food-contact surfaces of utensils and equipment used for non-TCS food shall be cleaned and sanitized:

1. At any time when contamination may have occurred;
2. At least every 24 hours for iced tea dispensers and consumer self-service utensils such as tongs, scoops, or ladles;
3. Before restocking consumer self-service equipment, such as condiment dispensers and display containers; or
4. At a frequency specified by the manufacturer or, absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

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 § 311.4(C) 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 110° F, 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(C)-(E); and
5. Equipment and utensils shall be air dried.

C. The food-contact surfaces of all equipment and utensils shall be sanitized by:

1. Immersion for at least 30 seconds in clean, hot water at a temperature of at least 171°F;
2. Immersion for at least 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, at the proper concentration according to Table 354.2 Chlorine sanitizer concentration by water temperature and pH;
3. Immersion for at least 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 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 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 § 311.5.

F. Equipment and utensils that are soiled with an accumulation from dry non-TCS foods may be cleaned using dry cleaning methods such as brushing, scraping, and vacuuming. Food-contact surfaces and utensils that are dry cleaned must be sanitized and dried thoroughly before use. Cleaning

equipment used for dry cleaning of food-contact surfaces may not be used for any other purpose.

311.5 Alternative Manual Cleaning and Sanitizing

A. If washing in sink compartments or a dishwashing machine is impractical, such as when the equipment is fixed or too large, cleaning and sanitation shall be done by:

1. Disassembly as necessary to allow access of the detergent solution to all parts;
2. Scraped or rough cleaned to remove food particle accumulation; and
3. Be washed to remove or completely loosen soils by using means such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.
4. Sanitizing as stated in § 311.4(C)(6) above.

B. Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved prior to use. Alternative manual warewashing equipment may include:

1. High-pressure detergent sprayers;
2. Low or line-pressure spray detergent foamers;
3. Other task-specific cleaning equipment;
4. Brushes or other implements;
5. 2-compartment sinks as specified § 321(C)(1); or
6. Receptacles that substitute for the compartments of a multicompartment sink.

311.6 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.

311.7 Cleaned In Place (CIP)

Equipment designed to be CIP shall be cleaned and sanitized by using a:

1. Three-step washing, rinsing, and sanitizing procedure; or
2. Two-step washing and sanitizing procedure using a detergent-sanitizer

311.8 Air Drying

All equipment, tableware and utensils shall be air-dried on a non-absorbent clean surface after cleaning and sanitation, or completely drained of cleaning and sanitation solutions.

311.9 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).

D. Outdoor openings, such as doors and windows, in the main kitchen and food storage areas of food facilities must be closed or otherwise protected from the entry of rodents, birds, insects and other pests. All other openings to the outside may be required to be screened or otherwise protected from contamination by pests as stated in § 317.2, or environmental contamination.

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 shall not be used in food preparation, warewashing, food storage, and refuse storage areas, toilet rooms, or other areas where the floor is subject to moisture accumulation resulting from flushing or spray cleaning methods. Carpeting, if used as a floor covering elsewhere, shall be of closely woven construction, properly installed, easily cleaned, and maintained in good repair.

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 areas external to retail food facilities where the Department has provided prior approval of procedures.
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.

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

A. 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.

B. This sub-section does not apply to if food contamination due to 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 twenty-five (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, serve, or prepare food must have at least one (1) sink with at least three (3) compartments, except as provided below. 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. Utensils and equipment too large to be cleaned in a sink shall be cleaned and sanitized as stated in § 311.5.

1. A sink with only two (2) compartments may be used if approved prior to use, the number of utensils cleaned and sanitized are limited, and warewashing is limited to batch operations for cleaning utensils, such as cleanup at the end of a shift, and the food facility shall:

- (a) Make up the cleaning and sanitizer solutions immediately before use and drain them immediately after use; and
- (b) Use a detergent-sanitizer to sanitize and apply the detergent-sanitizer in accordance with the manufacturer's label instructions and as specified under § 4-501.115 of the MFC; or
- (c) Use of a nondistinct water rinse for hot water sanitation immersion step as specified in § 311.4(C)(1).

2. A sink with only two (2) compartments may not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of equipment and utensils in an ongoing warewashing process.

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 food preparation, warewashing, or food storage area, except where alternate means have been taken to protect against such contamination such as double doors or negative air-flow.

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 may not be used for purposes other than handwashing.

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 non-sewered toilets (NST) 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

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.

324.3 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 retail food facilities where unpackaged TCS food is handled in Allegheny County shall have at least one (1) Certified Food Protection Manager (CFPM) present at all times when TCS food is being 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.

1. If a proprietor operates more than one temporary food facility at a fair, festival or other temporary event, a single CFPM may be the certified employee for all those temporary food facilities.

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.

D. This section does not apply to certain types of retail food facilities, such as, but not limited to, Class I and Class II retail food facilities, deemed by the Department to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of food preparation.

1. The Department may require alternative food safety training for certain food workers in food facilities deemed not to require a CFPM.

E. The following retail food facilities are exempt from this section:

1. A retail food facility managed by an organization which is a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)).
2. A retail food facility managed on a not-for-profit basis by an organization which is a volunteer fire company or an ambulance, religious, charitable, fraternal, veterans, civic, agricultural fair or agricultural association or any separately chartered auxiliary of any of the above associations.
3. A retail food facility managed by an organization which 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 not-for-profit basis. This paragraph does not apply to organized camps.

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 § 334.2
3. Non-continuous cooking of raw animal-derived foods in accordance with § 333.3(D),
4. HACCP Plans in accordance with § 337 (if required),
5. Grease interceptor cleaning and service schedule and records, 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 handled shall employ the number of CFPMs as required by § 325 of this article.

B. A new permit holder shall employ CFPM(s) within ninety (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 thirty (30) days of the employment termination date. The permit holder shall notify the Department in writing within five (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 if required 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 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 of the food permit.

SECTION 327. PERSONAL CLEANLINESS AND FOOD WORKER PRACTICES

327.1 Handwashing and Glove Use

- A. Food workers shall 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 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 products 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 clean tableware.

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. This subsection does not apply to food workers such as hosts and wait-staff who only serve beverages, or wrapped or packaged foods.

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 three (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. Norovirus;
7. Nontyphoidal Salmonella; or
8. Amebiasis, until two (2) 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 thirty (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 disease in section 328.2 or 328.3, 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. Packaged food shall be received labeled as specified in law, including 21 CFR 101 Food Labeling, 9 CFR 317 Labeling, Marking Devices, and Containers, and 9 CFR 381 Subpart N Labeling and Containers, or as specified under § 333.9.

329.2 Special Requirements

A. Fluid and dry milk and milk products, including frozen and cheeses, used, or served, or offered for sale shall meet the standards 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 ninety (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 ninety (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. Stored frozen food shall be maintained frozen.

D. 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 TCS Food in a Homogenous Liquid Form

A. Packaged TCS food in a homogenous liquid form may be held outside of the temperature control requirements for hot or cold foods 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".

332.6 Date Marking of Food

A. Refrigerated ready-to-eat TCS food prepared and held for more than 24 hours in a retail food facility shall be clearly marked at the time of preparation to indicate the date the food shall be consumed, 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."

B. Ready-to-eat TCS foods that are frozen after preparation shall have the freeze date documented. Once removed from the freezer, the thaw date shall be documented. The ready-to-eat TCS food shall remain refrigerated for no more than a total of seven (7) days. The dates from preparation to the freezing date and the thawing date shall all be counted as days during which the food is refrigerated.

C. Ready-to-eat TCS food prepared and packaged by a food processor shall be clearly marked, at the time the original container is opened in a food facility and if the food is held for more than 24 hours, to indicate the date or day by which the food shall be consumed, sold, or discarded, based on the temperature and time combinations specified in paragraph A. & B. of this subsection and:

1. The day the original container is opened in the food facility shall be counted as Day 1; and
2. The day or date marked by the food facility may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.

D. Ready-to-eat TCS food combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.

E. Date marking methods that are not covered above may be used if approved by the Department or if in accordance with § 3-501.17 of the MFC.

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 354.3, Cooking Times and Temperatures.

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 used in accordance with § 3-401.11(B) of the MFC. 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 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 thirty (30) days and made available for inspection.

333.6 Reheating for Hot Holding

A. Previously cooked TCS food shall be rapidly reheated within 2 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 § 333.6(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 molluscan 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 Labels

A. Food packaged in a food facility shall be labeled as specified in 3 PA. C.S.A. § 5729(b)(1)), 21 CFR 101 -Food labeling, and 9 CFR 317 Labeling, marking devices, and containers. Label information shall include:

1. The common name of the food, or absent a common name, an adequately descriptive identity statement;
2. If made from two or more ingredients, a list of ingredients and sub-ingredients in descending order of predominance by weight, including a declaration of artificial colors, artificial flavors and chemical preservatives, if contained in the food;
3. An accurate declaration of the net quantity of contents;
4. The name and place of business of the manufacturer, packer, or distributor; and

5. The name of each major food allergen contained in the food unless the major food allergen is already part of the common or usual name of the respective ingredient or food.

6. The use of canthaxanthin or astaxanthin for any salmonid fish as a color additive must disclose the use on the label on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin or astaxanthin.

Except as exempted in the Federal Food, Drug, and Cosmetic Act § 403(q)(3) - (5), nutrition labeling as specified in 21 CFR 101 -Food Labeling and 9 CFR 317 Subpart B Nutrition Labeling or 3 PA. C.S.A. §§ 5729 & 5730, PA Food Safety Act.

B. Self-service bulk food shall be prominently labeled with the following information in plain view of the consumer:

1. The manufacturer's or processor's label that was provided with the food; or
2. A card, sign, or other method of notification that includes the information specified under § 333.9(A)(1), (2), & (5) unless exempt.

C. Bulk, unpackaged foods such as bakery products and unpackaged foods that are portioned in response to a consumer's order need not be labeled if:

1. A health, nutrient content, or other claims are not made; and
2. The packaged food are made or prepared and packaged on the premise of the retail food facility or a satellite food facility owned by the same owner and sold retail to customers.

333.10 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 § 334.2 (A) 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 Food Delivery

A. Food and utensils intended for delivery shall be wrapped or otherwise protected against chemical, physical, and biological contamination.

B. TCS food shall be maintained at proper temperatures as required prior to delivery, which is defined in § 353.

C. Food in the possession of delivery services including, but not limited to, online ordering and delivery platforms, common carriers, or food rescue organizations, is outside of the scope of this Article.

334.4 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.

334.5 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 and replaced when a consumer is seated.

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

334.6 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.

334.7 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;
2. Clean and dry if properly cleaned and sanitized every 4 hours in accordance with § 311.2;
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, free of food residue accumulation cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.

334.8 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 from contamination 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.

334.9 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 customer 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."

334.10 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 are still in sound condition, may be re-served.

334.11 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

335.1 General

All food items offered for donation by a food facility must be apparently wholesome and fit for human consumption and meet all safety and labeling standards even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions.

335.2 Previous Service

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

A. Packaged TCS foods in sealed packaging, such as unopened milk, may be or donated if immediately stored and maintained at 41° Fahrenheit or below after service.

B. The following food products may be donated.

1. Non-TCS foods in sealed packaging.
2. Whole fruit, such as apples or bananas.

335.3 Unpackaged and Unserved Prepared Foods

Unpackaged and unserved prepared foods may be donated if the following requirements are met at the time of donation:

- A. The food items are wrapped, packaged, or otherwise protected against chemical, physical, and biological contamination.
- B. Cold TCS food is at or below 41° Fahrenheit, or an ambient temperature of 45° Fahrenheit for raw shell eggs;
- C. Hot TCS food has been at or above 135° Fahrenheit during hot holding, and subsequently cooled to meet the time and temperature requirements in § 332.3, or maintained at proper holding temperatures required in § 332.4;
- D. Donated prepared TCS foods are marked, by the donor, with the name of the food, the source of the food, and the discard date as described in § 332.6.

335.4 Damaged Foods

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

335.5 Distressed Foods

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

335.6 Receiving Donated Foods

Food facilities which receive, in good faith, donated food for ultimate distribution must inspect the food for contamination, adulteration, and signs of temperature abuse at the time of donation and at the time of distribution.

SECTION 336. FOOD TRANSPORTATION

336.1 General

- A. The requirements for storage, display, and general protection against chemical, physical, and biological contamination, as contained in this Article shall apply in the transporting of all food from a food facility to another food facility, location for service or catering operations.
- B. All TCS food, shall be kept at 41°F or below, or 135°F or above, during transportation. Adequate equipment made of non-toxic, corrosion resistant, easily cleanable, durable materials must be used for maintaining food product temperatures as described in sections 307 and 308 of this Article.
- C. This section does not apply to delivery activities as described in § 334.3.

336.2 Food Protection During Transport

During transportation from a food facility to another food facility, location, for service or catering or operations, food and food-contact surfaces shall be kept in covered containers or be completely wrapped or packaged to be protected from contamination. Produce, such as fruits and vegetables, which are normally peeled or intended to be washed before consumption are not required to be wrapped or packaged but must be protected from gross contamination.

336.3 Warehouse and Wholesale Distribution

Storage and transportation of food shall be under conditions that will protect food against physical, chemical, and biological 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, not for sale or service in a food facility;
- 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 other 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 thirty (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 thirty (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 § 337;

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 thirty (30) days after the date of preparation;

2) Held at 41°F or less for no more than seven (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 Department upon request, and
- (b) Held for at least six (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 thirty (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 thirty (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, unless adequate dishwashing equipment is available and used.

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, such as a shared kitchen. 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 eighteen (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. Water supply is not required when only pre-packaged food is handled, without samples provided to consumers.

340.4 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.

340.5 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.

340.6 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.

340.7 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 such as, but not limited to, menu modification or food preparation restrictions, 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 twelve (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, transport, 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.

G. Self-service food facilities shall have continuous 24-hour surveillance.

342.2 Food Conditions

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

1. Meet the labeling requirements as specified in § 333.9; 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 nine (9) and up to seventeen (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 three (3) 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. EFFECTIVE DATE

The provisions of this Article shall become effective on January 1, 2023.

SECTION 353. 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.

Delivery (as in food delivery) - the act of moving food from a food facility to a consumer directly by an food facility employee, or where possession of food has been relinquished to a delivery service including, but not limited to, an online ordering and delivery platform, common carrier, or food rescue organization.

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 - The action or process of modifying food differing from the original condition in which it was received such as, but not limited to, thawing, cooking, cooling, heating, reheating, putting together, cutting, slicing, dividing, mixing, portioning, or packaging food for a consumer. Food preparation does not include opening packages of raw meats, processing primal cuts, or trimming or cleaning of whole vegetables or fruits for display and sale.

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 – an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

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.

Low risk violation - see *Risk Factor*

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 violation- 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 protected from contamination. Packaged does not include wrapped or placed in a carry-out container to protect the food during service or delivery to a consumer, by a food employee, upon consumer request.

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 – See *Food preparation*

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 through a delivery service such as home delivery of grocery orders or delivery service provided by common carriers. 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 contributing to foodborne illness or injury. For the purpose of prioritization of intervention, risk factors are designated as *high*, *medium* or *low risk violations*:

- a) *High* – Hazards associated with foodborne illness or injury, where there is no alternative method to mitigate the risk. Hazards that require immediate corrective actions, or suitable alternative intervention, to diminish risk until the violation can be corrected. A follow-up inspection, or reinspection, may be required.
- b) *Medium* – Hazards that contribute indirectly foodborne illness or injury and support, facilitate, or enable the control or reduction of high risk hazards. Hazards that may require immediate corrective actions or a follow-up inspection.
- c) *Low* – Violations that relate to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), building structures, equipment design, general maintenance, or administrative requirements. Management of these conditions support, facilitate or enable the control of high and medium risk conditions. These violations may not require immediate correction, but may require a follow-up inspection.

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 fourteen (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 fourteen (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 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.

Transport (as in food transportation) – The movement of food under the control of a food facility to a location for storage, service or catering operations. The term does not include food delivery.

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.

354. Tables

354.1 Cleaning Frequency

Temperature	Cleaning Frequency
41°F or less	24 hours
>41°F -45°F	20 hours
>45°F -50°F	16 hours
>50°F -55°F	10 hours

354.2 Chlorine sanitizer concentration

Concentration Range (PPM)	Minimum Temperature PH 10 or less °F	Minimum Temperature PH 8 or less °F
25 – 49	120	120
50 – 99	100	75
100	55	55

354.3 Cooking Times and Temperatures

Minimum Temperature °F	Minimum Time
145	3 minutes
150	1 minute
158	< 1 second (instantaneous)

**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

NST Non-Sewered Toilet

PDA The Pennsylvania Department of Agriculture

TCS Time and Temperature Control for Safety

USDA The United States Department of Agriculture

Full definitions for these and other terms that apply to the interpretation and application of this Article can be found at the end of the Article in § 353.

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.** **The food permit shall be issued to the person or party responsible for food safety and handling.**

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:**~~

D. 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.

E. 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 handles commercially prepackaged TCS food such as, but not limited to, milk, eggs, and cheese, which remain in sealed packaging while stored in the food facility.

C. Class III is a food facility that handles TCS food and regularly prepares food for same day service without a cooling step or a food facility 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. 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 **distinct 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.

D. Nonprofit permanent food facilities including, but not limited to, those listed below that handle or offer food for human consumption shall pay fees related to their classification stated in § 302.2 and their nonprofit status:

- 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, 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. 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 **fourteen (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 ~~six (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 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" ~~P~~placard

A. 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.

B. An reinspection 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. The permit holder may request a reinspection, in writing, before the expiration of the ten (10) day period. 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 suspended permit. A suspended permit can only be reinstated **posted** after a Department inspection has verified the correction of ~~the~~ all critical violations **that led to the closure.**~~

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

1. If the ~~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.

B. It shall be unlawful to operate a 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 as stated in § 345.

~~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 ~~334.1~~ General

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, and applications 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 altered extensively, including but not limited to installation and use of any new major food equipment for heating, cooling, and hot and cold holding food.**
 - (a). Alterations limited to replacement of equipment for an item of similar construction and use shall not require plans.**
 - (b). Alterations limited to cosmetic changes to customer areas that do not alter pest control shall not require plans.**
- 4. Change of ownership;**
- 5. Change of commissary; ~~or~~**
- 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~~ **1. 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 ~~to~~ includes the manufacturers' names, and model numbers, dimensions and installation specifications;**

~~2~~ **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(A) 1-3 334.1** 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 **ten (10) 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. **At least once a year 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 notice a schedule annually of planned or intended anticipated dates, and times and locations of operations.**

A. The frequency of the **routine** inspections shall be based on the size, type **of operation** and prior inspectional 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 five (5) or more food facilities will be present operate at the same time must complete an event organizer's application for the temporary or seasonal event at least fourteen (14) calendar days before the expected start of the event. The application will 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.C. 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

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. The pressure range shall be within the range specified on the machine's data plate and may not be less than 5 pounds per square inch (35 kilopascals) or more than 30 pounds per square inch (200 kilopascals).

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 309 310. 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~~ **S**hall be installed to permit cleaning of the equipment and adjacent areas; **and**

2. ~~Table-mounted equipment~~, **U**nless **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~~, **U**nless 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 **sSingle-service and single-use articles** shall be stored:

1. At least 6 inches above the floor;

2. In a clean, dry location;

3. in a way that **P**rotected 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.

310.3 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.~~

310.4 Returnable Items

A. Retail food facilities that accept empty returnable containers for refilling with food shall send containers to a regulated food processing plant to be inspected, cleaned, sanitized, and refilled, except as specified in this subsection.

B. A take-home food container returned to a retail food facility may be refilled at a retail food facility with food if the food container is:

- 1. Designed and constructed for reuse and in accordance with the requirements specified under sections 307 and 308;**
- 2. One that was initially provided by the retail food facility to the consumer, either empty or filled with food by the retail food facility, for the purpose of being returned for reuse;**
- 3. Returned to the retail food facility by the consumer after use; and**
- 4. Subject to the following steps before being refilled with food:**
 - a. Cleaned and sanitized as specified under § 311; and**
 - b. Visually inspected by a food worker to verify that the container, as returned, meets the requirements specified sections 307 and 308.**

C. A take-home food container returned to a retail food facility may be refilled at a retail food facility with a beverage if:

- 1. The beverage is not a TCS food;**

2. The design of the container, the rinsing equipment, and the nature of the beverage, when considered together, allow effective cleaning at home or in the retail food facility;
3. Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;
4. The consumer-owned container returned to the retail food facility for refilling is refilled for sale or service only to the same consumer; and
5. The container is refilled by:
 - a. A food worker, or
 - b. The owner of the container if the beverage system includes a contamination-free transfer process as specified under § 4-204.13(A), (B), and (D) of the MFC, that cannot be bypassed by the container owner.

D. Consumer-owned, personal take-out beverage containers, such as thermally insulated bottles, non-spill coffee cups, and promotional beverage glasses, may be refilled by employees or the consumer if refilling is a contamination-free process as specified under § 4-204.13(A), (B), and (D) of the MFC.

E. Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

310.5 311-4 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

A. Equipment, food-contact surfaces, and utensils shall be clean to sight and touch.

B. The food-contact surfaces of cooking equipment shall be kept free of encrusted grease deposits and other soil accumulations.

C. Food-contact surfaces and utensils shall be sanitized after cleaning.

D. ~~Non-food contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.~~ Non-food-contact surfaces of equipment shall be cleaned as often as necessary to prevent the accumulation of dust, dirt, food particles, 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:

1. ~~after each use, between foods requiring different cooking temperatures~~ Before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry.

a. Except if in contact with a succession of different types of raw meat or poultry each requiring a higher cooking temperature than the previous as specified under § 333.3;

2. Each time there is a change from working with raw foods to working with ready-to-eat foods;

3. Between uses with raw fruits and vegetables and with TCS foods;

4. Before using or storing a food temperature measuring device; and

5. Following any interruption of operations ~~when, 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 contacting 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. Equipment and utensils contacting TCS food may be cleaned and sanitized at a time interval other than every 4 hours if:

~~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(D) of the MFC.~~

1. The container is used to store TCS food or the utensil is stored in TCS food maintained at temperatures specified in § 331(A) and cleaned when the container is empty or at least every 24 hours;

2. Used to prepare TCS food in a refrigerated room and cleaned according to the time and temperature combinations stated in Table 354.1 Cleaning Frequency;

3. In-use utensils are intermittently stored in a running water dipper well or water at 135°F or higher and cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues, as stated in § 334.7(B)(4); or

4. The cleaning schedule is approved by the Department based on the food temperature, type of food, and amount of food particle accumulation, and potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease.

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. The food-contact surfaces of utensils and equipment used for non-TCS food shall be cleaned and sanitized:

- 1. At any time when contamination may have occurred;**
- 2. At least every 24 hours for iced tea dispensers and consumer self-service utensils such as tongs, scoops, or ladles;**
- 3. Before restocking consumer self-service equipment, such as condiment dispensers and display containers for non-TCS foods, shall be cleaned and sanitized before restocking; or**
- 4. At a frequency specified by the manufacturer or, absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.**

~~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)~~ **§ 311.4(C)** 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** equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution, **at least 110° F**, 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(C)-(E); 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, **at the proper**

concentration according to Table 354.2 Chlorine sanitizer concentration by water temperature and pH; 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 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~~±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 311.5.

F. Equipment and utensils that are soiled with an accumulation from dry non-TCS foods may be cleaned using dry cleaning methods such as

brushing, scraping, and vacuuming. Food-contact surfaces and utensils that are dry cleaned must be sanitized and dried thoroughly before use. Cleaning equipment used for dry cleaning of food-contact surfaces may not be used for any other purpose.

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 Alternative Manual Cleaning and Sanitizing

A. If washing in sink compartments or a dishwashing machine is impractical, such as when the equipment is fixed or too large, cleaning and sanitation shall be done by:

- 1. Disassembly as necessary to allow access of the detergent solution to all parts;**
- 2. Scraped or rough cleaned to remove food particle accumulation; and**
- 3. Be washed to remove or completely loosen soils by using means such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.**
- 4. Sanitizing as stated in § 311.4(C)(6) above.**

B. Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved prior to use. Alternative manual warewashing equipment may include:

- 1. High-pressure detergent sprayers;**
- 2. Low or line-pressure spray detergent foamers;**
- 3. Other task-specific cleaning equipment;**
- 4. Brushes or other implements;**
- 5. 2-compartment sinks as specified § 321(C)(1); or**
- 6. Receptacles that substitute for the compartments of a multicompartment sink.**

311.6 ~~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.

311.7 312.5 In-Place Cleaning Cleaned In Place (CIP)

Equipment intended for in-place cleaning **designed to be CIP shall** be so designed and fabricated that **cleaned and sanitized by using a:**

1. Three-step washing, rinsing, and sanitizing procedure; or

2. Two-step washing and sanitizing procedure using a detergent-sanitizer

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.

311.8 312.6 Air Drying

All equipment, tableware and utensils shall be air-dried **on a non-absorbent clean surface after cleaning and sanitation, or completely drained of cleaning and sanitation solutions.**

311.9 312.7 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**).

D. Outdoor openings, such as doors and windows, in the main kitchen and food storage areas of food facilities must be closed or otherwise protected from the entry of rodents, birds, insects and other pests. All other openings to the outside may be required to be screened or otherwise protected from contamination by pests as stated in § 317.2, or environmental contamination.

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 shall not be used in food preparation, warewashing, food storage, and refuse storage areas, toilet rooms, or other areas where the floor is subject to moisture accumulation resulting from flushing or spray cleaning methods. Carpeting, if used as a floor covering elsewhere, 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.

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~~ ~~€~~. 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.

ED. 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 external to of a retail food facilities where, with the Department has provided prior approval of procedures by the Department in accordance with § 316.2 below.

6. Patrol 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 pets contacting 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

A. 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** 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.

B. This sub-section does not apply to if food contamination due to 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~~ **warewashing stations** and drainboards, or single-service items ~~articles, or single-use articles.~~ **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.

D. 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.

E. 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.

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 **twenty-five (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, serve, or prepare food must have at least one (1) sink with at least three (3) compartments, except as provided below. 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. Utensils and equipment too large to be cleaned in a sink shall be cleaned and sanitized as stated in § 311.5.

1. A sink with only two (2) compartments may be used if approved prior to use, the number of utensils cleaned and sanitized are limited, and warewashing is limited to batch operations for

cleaning utensils, such as cleanup at the end of a shift, and the food facility shall:

(a) Make up the cleaning and sanitizer solutions immediately before use and drain them immediately after use; and

(b) Use a detergent-sanitizer to sanitize and apply the detergent-sanitizer in accordance with the manufacturer's label instructions and as specified under § 4-501.115 of the MFC; or

(c) Use of a nondistinct water rinse for hot water sanitation immersion step as specified in § 311.4(C)(1).

2. A sink with only two (2) compartments may not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of equipment and utensils in an ongoing warewashing process.

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 food preparation, warewashing, or food storage area 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 **may not be used for purposes other than handwashing** 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 ing sink. Common towels are prohibited. If disposable towels are used, **nonabsorbent** easily cleanable waste receptacles shall be conveniently located near the handwashing ing sinks.

H. Handwashing ing 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 ing 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 non-sewered toilets (NST) 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.**

324.3 318.2 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 retail** food **facilities** facility where potentially hazardous **unpackaged 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 one (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.

1. If a proprietor operates more than one temporary food facility at a fair, festival or other temporary event, a single

CFPM may be the certified employee for all those temporary food facilities.

~~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.

D. This section does not apply to certain types of retail food facilities, such as, but not limited to, Class I and ~~some~~ Class II retail food facilities, deemed by the Department to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of food preparation.

- 1. The Department may require alternative food safety training for certain food workers in food facilities deemed not to require a CFPM.**

E. The following retail food facilities are exempt from this section:

- 1. A retail food facility managed by an organization which is a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)).**
- 2. A retail food facility managed on a not-for-profit basis by an organization which is a volunteer fire company or an ambulance, religious, charitable, fraternal, veterans, civic, agricultural fair or agricultural association or any separately chartered auxiliary of any of the above associations.**
- 3. A retail food facility managed by an organization which 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 not-for-profit basis. This paragraph does not apply to organized camps.**

~~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,~~ 334.2**
- 3. Non-continuous cooking of raw animal-derived foods in accordance with § 333.3(D),**
- 4. HACCP Plans in accordance with § ~~337 336~~ (if required),**
- 5. Grease interceptor cleaning and service schedule ~~and records,~~ 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 ~~ninety (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 ~~thirty (30)~~ days of the employment termination date. The permit holder shall notify the Department in writing within ~~five (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 ~~if required~~ 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 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 **products** 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.** **This subsection does not apply to food workers such as hosts and wait-staff who only serve beverages, or wrapped or packaged foods.**

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 O157: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 **three (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. Norovirus;

7. Nontyphoidal Salmonella; or

8. Amebiasis, until two (2) 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 **thirty (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 section 328.2 or 328.3** a communicable form 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; clean**ing** 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. **Packaged food shall be received labeled as specified in law, including 21 CFR 101 Food Labeling, 9 CFR 317 Labeling, Marking Devices, and Containers, and 9 CFR 381 Subpart N Labeling and Containers, or as specified under § 333.9.**

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 shellfish 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 **ninety (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 ~~ninety~~ (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

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.

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 **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 ~~±2°F~~ **±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** ~~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. **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.

~~D. 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.~~

332.4 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 TCS Food in a Homogenous Liquid Form

A. Packaged TCS food in a homogenous liquid form may be held outside of the temperature control requirements for hot or cold foods 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".

332.6 Date Marking of Food

A. Refrigerated 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."**

B. Ready-to-eat TCS foods that are frozen after preparation shall have the freeze date documented. Once removed from the freezer, the thaw

date shall be documented. The ready-to-eat TCS food shall remain refrigerated for no more than a total of seven (7) days. The dates from preparation to the freezing date and the thawing date shall all be counted as days during which the food is refrigerated.

C. Ready-to-eat TCS food prepared and packaged by a food processor shall be clearly marked, at the time the original container is opened in a food facility and if the food is held for more than 24 hours, to indicate the date or day by which the food shall be consumed, sold, or discarded, based on the temperature and time combinations specified in paragraph A. & B. of this sub-section and:

1. The day the original container is opened in the food facility shall be counted as Day 1; and

2. The day or date marked by the food facility may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.

D. Ready-to-eat TCS food combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.

E. Date marking methods that are not covered above may be used if approved by the Department or if in accordance with § 3-501.17 of the MFC.

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~~ 354.3, Cooking Times and Temperatures.

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 used approved by the Director Department in accordance with § 3-401.11(B) of the MFC. 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 **thirty (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~~ **2** 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 § 333.6(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 ±1°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.

333 304.108 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 **mollusckan** 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 Labels

A. Food packaged in a food facility shall be labeled as specified in 3 PA. C.S.A. § 5729(b)(1)), 21 CFR 101 -Food labeling, and 9 CFR 317 Labeling, marking devices, and containers. Label information shall include:

- 1. The common name of the food, or absent a common name, an adequately descriptive identity statement;**
- 2. If made from two or more ingredients, a list of ingredients and sub-ingredients in descending order of predominance by weight, including a declaration of artificial colors, artificial flavors and chemical preservatives, if contained in the food;**
- 3. An accurate declaration of the net quantity of contents;**
- 4. The name and place of business of the manufacturer, packer, or distributor; and**
- 5. The name of each major food allergen contained in the food unless the major food allergen is already part of the common or usual name of the respective ingredient or food.**
- 6. The use of canthaxanthin or astaxanthin for any salmonid fish as a color additive must disclose the use on the label on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin or astaxanthin.**

Except as exempted in the Federal Food, Drug, and Cosmetic Act § 403(q)(3) -(5), nutrition labeling as specified in 21 CFR 101 -Food Labeling and 9 CFR 317 Subpart B Nutrition Labeling or 3

PA. C.S.A. §§ 5729 & 5730, PA Food Safety Act.

B. Self-service bulk food shall be prominently labeled with the following information in plain view of the consumer:

- 1. The manufacturer's or processor's label that was provided with the food; or**
- 2. A card, sign, or other method of notification that includes the information specified under § 333.9(A)(1), (2), & (5) unless exempt.**

C. Bulk, unpackaged foods such as bakery products and unpackaged foods that are portioned in response to a consumer's order need not be labeled if:

- 1. A health, nutrient content, or other claims are not made; and**
- 2. The packaged food are made or prepared and packaged on the premise of the retail food facility or a satellite food facility owned by the same owner and sold retail to customers.**

333.10 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 **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 § 334.2 (A) 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.

334.3 Food Delivery

A. Food and utensils intended for delivery shall be wrapped or otherwise protected against chemical, physical, and biological contamination.

B. TCS food shall be maintained at proper temperatures as required prior to delivery, which is defined in § 353.

C. Food in the possession of delivery services including, but not limited to, online ordering and delivery platforms, common carriers, or food rescue organizations, is outside of the scope of this Article.

334.4 305.3 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 **A 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.

334.5 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 and replaced 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.

334.6 305.4 Re-Use of Tableware

A. Reuse of soiled tableware is prohibited. Clean plates, bowls, and/or single-service ~~a~~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.

334.7 305.5 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 in accordance with § 311.2**; ~~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 **water that is maintained at a temperature of 135°F or greater, free of food residue**

accumulation cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.

334.8 305.6 Condiment Dispensing

A. Sugar, condiments, seasonings, and dressings for self-service, ~~at~~ table, **or** counter service shall be provided in individual packages; from dispensers; or from containers protected **from contamination** 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.**

334.9 305.7 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 customer 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"**.

334.10 305.8 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~~ **are** still in sound condition, may be re-served.

334.11 305.10 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

335.1 General

All food items offered for donation by a food facility must be apparently wholesome and fit for human consumption and meet all safety and labeling standards even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions.

~~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.~~

335.2 Previous Service

~~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~~

~~A. Packaged TCS foods **in sealed packaging**, such as unopened milk, may be re-served or donated if immediately stored and maintained at 41° Fahrenheit or below **after service**.~~

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

~~1. Packaged Non-TCS foods **in sealed packaging**.~~

~~2. Whole fruit, such as apples or bananas.~~

335.3 Unpackaged and Unserved Prepared Foods

~~Unpackaged and unserved prepared foods may be donated if the following requirements are met **at the time of donation**:~~

~~A. **The food items are wrapped, packaged, or otherwise protected against chemical, physical, and biological contamination.**~~

~~B. **The temperature of the Cold TCS 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;**~~

~~C. **The Hot TCS food has been at or above 135° Fahrenheit during hot holding and service, and subsequently refrigerated cooled 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, requirements of this article.**~~

~~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

~~D. **Donated prepared TCS foods transported offsite is are marked labeled, by the donor, with the name of the food, the source of the food, the date of preparation, and the discard date as described in § 332.6.**~~

335.4 Shelf Life

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

335.4 Damaged Foods

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

335.5 Distressed Foods

Foods which are considered distressed, such as foods which have been subjected to fire, flooding, excessive heat, smoke, radiation, or 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.

335.6 Receiving Donated Foods

Food facilities which receive, in good faith, donated food for ultimate distribution must inspect the food for contamination, adulteration, and signs of temperature abuse at the time of donation and at the time of distribution.

SECTION 336 306. FOOD TRANSPORTATION

336 306.1 General

A. The requirements for storage, display, and general protection against **chemical, physical, and biological** contamination, as contained in this Article shall apply in the transporting of all food from a food facility to another **food facility**, location for service or catering, ~~or donation~~ operations.

B. All potentially hazardous food **TCS food**, shall be kept at 41°F or below, or 135°F or above, during transportation. Adequate equipment **made of non-toxic, corrosion resistant, easily cleanable, durable materials** must be used for maintaining food product temperatures **as described in sections 307 and 308 of this Article.**

C. This section does not apply to delivery activities as described in § 334.3.

336 306.2 Food Protection During Transport

During its transportation from a food facility to another **food facility**, location, **for service or catering or operations**, 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. **Produce, such as fruits and vegetables, which are normally peeled or intended to be washed before consumption are not required to be wrapped or packaged but must be protected from gross 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 biological 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, ~~not for sale or service in a food facility;~~

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 **thirty (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 **thirty (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 § **337**;

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 **thirty (30) days after the date of preparation;**

2) Held at 41°F or less for no more than **seven (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 **Department ~~regulatory authority~~ upon request, and**

(b) Held for at least **six (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 **thirty (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 **thirty (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.

337 329.6 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 ~~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, unless adequate dishwashing equipment is available and used.

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, **such as a shared kitchen**. **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 ~~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 **eighteen (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 3/4 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 ~~W~~**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.

340.2 328.3 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 **b**everages 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. **Water supply is not required w**hen only pre-packaged **TCS** food is **handled, without samples provided to consumers.** ~~sold, the requirements under SS 306, 340.4328.4(B) and 340328.4(C) will be waived.~~

340.4 328.5 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, Ft** 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.

340.5 328.6 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~~.

~~340.6~~ ~~328.8~~ **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~~ ~~328.7~~ **Construction of the Stand a Temporary or Seasonal Food Facility**

A. ~~Overhead~~ ~~P~~rotection, **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 such as, but not limited to, menu modification or food preparation restrictions, 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 **twelve (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, transport, 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 food⁷ 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.

G. Self-service food facilities shall have continuous 24-hour surveillance.

342.2 Food Conditions

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

1. Meet the labeling requirements as specified in § 333.9 ~~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**" **pPlacard** 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 ~~Department~~ **Director.**

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 ~~Article~~ 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~~ article 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~~ article 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 ~~E~~. 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 ~~S~~ 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 **nine (9) and up to **seventeen (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 ~~three (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. EFFECTIVE DATE

The provisions of this Article shall become effective on January 1, 2023.

SECTION 35~~23~~ 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 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.

Delivery - (as in food delivery) - the act of moving food from a food facility to a consumer directly by an food facility employee, or where possession of food has been relinquished to a delivery service including, but not limited to, an online ordering and delivery platform, common carrier, or food rescue organization.

Department - the Allegheny County Health Department.

Director - the Director of the Allegheny County Health Department or his ~~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 - **The action or process of modifying food differing from the original condition in which it was received such as, but not limited to,** thawing, cooking, cooling, heating, reheating, putting together, cutting, slicing, dividing, mixing, portioning, or packaging food for a consumer. **Food preparation does not include opening packages of raw meats, processing primal cuts, or** 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~~ **an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.**

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.**

Low risk violation – **see Risk Factor**

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 violation- 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 protected from contamination wrapped. Packaged does not include wrapped or placed in a carry-out container to protect the food during service or delivery to a consumer, by a food employee, upon consumer request.

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~~
- c) ~~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 – ~~See Food 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 through a delivery service such as home delivery of grocery orders or delivery service provided by common carriers** 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 to foodborne illness or injury. For the purpose of prioritization of intervention, risk factors are designated as high, medium or low risk violations:

- a) ~~High – practices, procedures, or violations of Article III, that pose a higher risk for the transmission of foodborne illness. These Violations~~ **Hazards associated with foodborne illness or injury, where there is no alternative method to mitigate the risk. Hazards that require immediate attention of corrective actions, 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.~~ **Hazards that contribute indirectly foodborne illness or injury and support, facilitate, or enable the control or reduction of high risk hazards. Hazards that They may require immediate corrective actions or but may not require a follow-up inspection.**
- c) ~~Low – conditions or violations that are not high risk.~~ **Violations that relate to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), building structures, equipment design, general maintenance, or administrative requirements. Management of these conditions support, facilitate or enable the control of high and medium risk conditions. These violations may not require immediate correction, but may require a follow-up inspection. ; however,**

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 fourteen (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 **fourteen (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 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>				
*** <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 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.

Transport (as in food transportation) – The movement of food under the control of a food facility to a location for storage, service or catering operations. The term does not include food delivery.

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.

354. Tables

354.1 Cleaning Frequency

Temperature	Cleaning Frequency
41°F or less	24 hours
>41°F -45°F	20 hours
>45°F -50°F	16 hours
>50°F -55°F	10 hours

354.2 Chlorine sanitizer concentration

Concentration Range (PPM)	Minimum Temperature PH 10 or less °F	Minimum Temperature PH 8 or less °F
25 – 49	120	120
50 – 99	100	75
100	55	55

354.3 Cooking Times and Temperatures

Minimum Temperature °F	Minimum Time
145	3 minutes
150	1 minute
158	< 1 second (instantaneous)

DRAFT



Allegheny County Health Department

Food Safety Program

2121 Noblestown Road, Suite 210, Pittsburgh, PA 15205-3956
 phone: 412.578.8044 • fax: 412.578.8190 • www.achd.net

Proposed Fee Schedule

Yearly Permit Fees by Classification:

Classification	Standard Fee	Non-Profit Fee*
Class I (yearly registration)	\$128	\$64
Class II	\$170	\$85
Class III	\$244	\$122
Class IV	\$404	\$202

*Verification of non-profit status (§302(D)) status will be required

Mobile Food Facility Permit Fees:

Classification	Standard Fee	Non-Profit Fee*
Class I (yearly registration)	\$110	\$55
Class II	\$110	\$55
Class III	\$150	\$75
Class IV	\$150	\$75

*Verification of non-profit status (§302(D)) status will be required

Temporary and Seasonal Food Facility (Vendor) Fees:

Temporary Food Facility:

Number of Events	Standard Fee	Non-Profit Fee
1	\$50	\$45
2	\$85	\$80
3	\$110	\$105
4	\$130	\$125
5 or more	\$30 per event	\$28 per event

*Verification of non-profit status (§302(D)) status will be required

Seasonal Food Facility:

Standard Fee	Non-Profit Fee
\$82	\$77

*Verification of non-profit status (§302(D)) status will be required

Event & Farmer's Market Organizer Registration Fees:

Number of Food Vendors	Registration Fee
0-4	No registration required
5-10	\$20
11-20	\$30
21-30	\$40
31-40	\$50
41 - ∞	\$1.50 per Food Vendor

Application and Plan Review Fees:

Change of Ownership Application Review – \$85

Change of Mobile Commissary Application Review – \$85

New Construction/Remodel Plan Review:

Classification	Review Fee
Class I	No application required for review
Class II	\$85
Class III	\$122
Class IV	\$202

Inspection Fees:

Second Pre-operational Inspection – \$100

Second Permit Reinstatement or Placarding Upgrade Inspection – \$200



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Plan Review Fee Schedule

If facility square footage or number of seats exceeds the listed ranges, then please contact our office at 412-578-8044. You may also download or view the complete fee schedule at the following link:

https://alleghenycounty.us/uploadedFiles/Allegheny_Home/Health_Department/Programs/Food_Safety/Plan-Review-Fee-Schedule-2017-combined.pdf

RESTAURANT/EATERY

Includes traditional restaurants and taverns (201/202/211/212) and banquet halls (203)*.

Also, fire halls (408/409) and snack bars associated with other permitted facilities (315/413/707/708)

With Alcohol Sales (Category codes: 201, 202, 203, 408, 708)

Without Bar (Category codes: 211, 212, 315, 409, 413, 707)

Number of Seats	Plan Review Fee	Number of Seats	Plan Review Fee
0 -30	\$94.00	0 -30	\$68.00
31-50	\$116.50	31-50	\$94.00
51-70	\$142.50	51-70	\$116.50
71-90	\$165.00	71-90	\$142.50
91-110	\$191.50	91-110	\$165.00
111-130	\$217.50	111-130	\$191.50
131-150	\$240.00	131-150	\$217.50

*Only 50% of seats in banquet rooms are to be counted in totals

RETAIL FOOD ESTABLISHMENTS*** Includes supermarkets (111/112), convenience stores (113/114), packaged food stores (115/116), bakeries (117/118)

Square Footage	Plan Review Fee	Square Footage	Plan Review Fee
0-100	\$38.50	7,501-10,000	\$198.50
101-1,000	\$41.50	10,001-12,500	\$232.00
1,001-2,000	\$75.50	12,501-15,000	\$266.00
2,001-2,500	\$102.00	15,001-17,500	\$299.00
2,501-5,000	\$135.50	17,501-20,000	\$329.50
5,001-7,500	\$165.00	20,001-22,500	\$363.00

CATERERS*** (Category code 100)

Square Footage	Plan Review Fee	Square Footage	Plan Review Fee
0-1,000	\$68.00	5,001-7,500	\$195.00
1,001-2,000	\$98.00	7,501-10,000	\$225.00
2,001-2,500	\$128.00	10,001-12,500	\$262.00
2,501-5,000	\$161.50	12,501-15,000	\$292.50

TRANSIENT CATERER (Category code 101)

Plan Review Fee: \$68.00

TRANSIENT RETAIL FOOD PROCESSOR (Category code 102)

Plan Review Fee: \$75.50



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Plan Review Fee Schedule

(continued)

WHOLESALE WAREHOUSES AND FOOD PROCESSORS*** (Category codes: 151, 152, 172)			
Square Footage	Plan Review Fee	Square Footage	Plan Review Fee
0-1,000	\$75.50	7,501-10,000	\$288.00
1,001-2,000	\$154.00	10,001-12,500	\$322.00
2,001-2,500	\$191.50	12,501-15,000	\$355.50
2,501-5,000	\$225.00	15,001-17,500	\$388.50
5,001-7,500	\$258.50	17,501-19,000	\$422.50

PUBLIC SERVICE FOOD ESTABLISHMENTS*** (Category codes: 401, 403, 405, 411) Food establishments such as hospitals, daycares, university/college kitchens			
Square Footage	Plan Review Fee	Square Footage	Plan Review Fee
0-1,000	\$68.00	7,501-10,000	\$228.50
1,001-2,000	\$94.00	10,001-12,500	\$258.50
2,001-2,500	\$128.00	12,501-15,000	\$292.50
2,501-5,000	\$161.50	15,001-17,500	\$325.50
5,001-7,500	\$195.00	17,501-20,000	\$359.50

SOCIAL CLUB (Category code 250 and PLCB "C" license)	Plan Review Fee: \$52.50
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MOBILE FOOD UNIT (Category code 119/123) and commissary kitchens (120)			
Mobile Type	Plan Review Fee		
Tier 2 - Prepared food (MFF3 and MFF4)	\$62.50		
Tier 1 - Prepackaged food only (MFF1 and MFF2)	\$38.50		
(Commissary) Square Footage	Plan Review Fee	Square Footage	Plan Review Fee
0-50	\$19.50	101-1,000	\$41.50
51-100	\$38.50	1,001-2,000	\$75.50

All mobile food units must also pay for review of commissary location. If commissary is located within an existing permitted facility, please use the 0-50 square feet fee and provide signed commissary agreement letter from owner

OTHER PUBLIC SERVICE FOOD ESTABLISHMENTS	
Type	Plan Review Fee
Schools: Full-service Kitchen (651), Satellite Kitchen (653), Snack Bar (656), and Concession Stand (658)	\$84.00
Community Service Facility (410), Church Kitchen (407), and Food Banks/Pantries (412)	\$25.00

*****Plan Review Fees are calculated according to total square footage of all areas required for the operation of a food facility (example of areas to include: kitchen, restrooms, storage room, beverage station, garbage area, utility room, etc.) Seating area is NOT included.**

For plan review of other residences and institutions with food service, please contact our office at 412-578-8044 and download or view the complete fee schedule using the link at the top of page 1

Effective: 01/01/2020



Allegheny County Health Department

Food & Housing Fees 2020

Category: **100 Caterer**

Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	1000	\$136.00	\$68.00
1001	2000	\$196.00	\$98.00
2001	2500	\$256.00	\$128.00
2501	5000	\$323.00	\$161.50
5001	7500	\$390.00	\$195.00
7501	10000	\$450.00	\$225.00
10001	12500	\$524.00	\$262.00
12501	15000	\$585.00	\$292.50
15001	17500	\$651.00	\$325.50
17501	20000	\$719.00	\$359.50
20001	22500	\$786.00	\$393.00
22501	25000	\$853.00	\$426.50
25001	27500	\$912.00	\$456.00
27501	30000	\$979.00	\$489.50
30001	32500	\$1,047.00	\$523.50
32501	35000	\$1,113.00	\$556.50
35001	37500	\$1,182.00	\$591.00
37501	40000	\$1,241.00	\$620.50
40001	42500	\$1,309.00	\$654.50
42501	45000	\$1,375.00	\$687.50
45001	47500	\$1,442.00	\$721.00
47501	50000	\$1,510.00	\$755.00
50001	52500	\$1,569.00	\$784.50
52501	55000	\$1,637.00	\$818.50
55001	57500	\$1,704.00	\$852.00
57001	60000	\$1,772.00	\$886.00
60001	62500	\$1,824.00	\$912.00
62501	65000	\$1,899.00	\$949.50
65001	67500	\$1,966.00	\$983.00
67501	100000	\$1,973.00	\$986.50

Category: **101 Transient Caterer**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	100000	\$136.00	\$68.00

Category: **102 Transient Retail Food Processor**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	100000	\$151.00	\$75.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **111 Supermarket**

Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	100	\$77.00	\$38.50
101	1000	\$83.00	\$41.50
1001	2000	\$151.00	\$75.50
2001	2500	\$204.00	\$102.00
2501	5000	\$271.00	\$135.50
5001	7500	\$330.00	\$165.00
7501	10000	\$397.00	\$198.50
10001	12500	\$464.00	\$232.00
12501	15000	\$532.00	\$266.00
15001	17500	\$598.00	\$299.00
17501	20000	\$659.00	\$329.50
20001	22500	\$726.00	\$363.00
22501	25000	\$793.00	\$396.50
25001	27500	\$860.00	\$430.00
27501	30000	\$927.00	\$463.50
30001	32500	\$987.00	\$493.50
32501	35000	\$1,055.00	\$527.50
35001	37500	\$1,122.00	\$561.00
37501	40000	\$1,189.00	\$594.50
40001	42500	\$1,257.00	\$628.50
42501	45000	\$1,316.00	\$658.00
45001	47500	\$1,384.00	\$692.00
47501	50000	\$1,436.00	\$718.00
50001	52500	\$1,518.00	\$759.00
52501	55000	\$1,585.00	\$792.50
55001	57500	\$1,645.00	\$822.50
57001	60000	\$1,711.00	\$855.50
60001	62500	\$1,764.00	\$882.00
62501	65000	\$1,846.00	\$923.00
65001	67500	\$1,913.00	\$956.50
67501	100000	\$1,973.00	\$986.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **112 Chain Supermarket**

Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	100	\$77.00	\$38.50
101	1000	\$83.00	\$41.50
1001	2000	\$151.00	\$75.50
2001	2500	\$204.00	\$102.00
2501	5000	\$271.00	\$135.50
5001	7500	\$330.00	\$165.00
7501	10000	\$397.00	\$198.50
10001	12500	\$464.00	\$232.00
12501	15000	\$532.00	\$266.00
15001	17500	\$598.00	\$299.00
17501	20000	\$659.00	\$329.50
20001	22500	\$726.00	\$363.00
22501	25000	\$793.00	\$396.50
25001	27500	\$860.00	\$430.00
27501	30000	\$927.00	\$463.50
30001	32500	\$987.00	\$493.50
32501	35000	\$1,055.00	\$527.50
35001	37500	\$1,122.00	\$561.00
37501	40000	\$1,189.00	\$594.50
40001	42500	\$1,257.00	\$628.50
42501	45000	\$1,316.00	\$658.00
45001	47500	\$1,384.00	\$692.00
47501	50000	\$1,436.00	\$718.00
50001	52500	\$1,518.00	\$759.00
52501	55000	\$1,585.00	\$792.50
55001	57500	\$1,645.00	\$822.50
57001	60000	\$1,711.00	\$855.50
60001	62500	\$1,764.00	\$882.00
62501	65000	\$1,846.00	\$923.00
65001	67500	\$1,913.00	\$956.50
67501	100000	\$1,973.00	\$986.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **113 Retail/Convenience Store**

Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	100	\$77.00	\$38.50
101	1000	\$83.00	\$41.50
1001	2000	\$151.00	\$75.50
2001	2500	\$204.00	\$102.00
2501	5000	\$271.00	\$135.50
5001	7500	\$330.00	\$165.00
7501	10000	\$397.00	\$198.50
10001	12500	\$464.00	\$232.00
12501	15000	\$532.00	\$266.00
15001	17500	\$598.00	\$299.00
17501	20000	\$659.00	\$329.50
20001	22500	\$726.00	\$363.00
22501	25000	\$793.00	\$396.50
25001	27500	\$860.00	\$430.00
27501	30000	\$927.00	\$463.50
30001	32500	\$987.00	\$493.50
32501	35000	\$1,055.00	\$527.50
35001	37500	\$1,122.00	\$561.00
37501	40000	\$1,189.00	\$594.50
40001	42500	\$1,257.00	\$628.50
42501	45000	\$1,316.00	\$658.00
45001	47500	\$1,384.00	\$692.00
47501	50000	\$1,436.00	\$718.00
50001	52500	\$1,518.00	\$759.00
52501	55000	\$1,585.00	\$792.50
55001	57500	\$1,645.00	\$822.50
57001	60000	\$1,711.00	\$855.50
60001	62500	\$1,764.00	\$882.00
62501	65000	\$1,846.00	\$923.00
65001	67500	\$1,913.00	\$956.50
67501	1000000	\$1,973.00	\$986.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **114 Chain Retail/Convenience Store**

Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	100	\$77.00	\$38.50
101	1000	\$83.00	\$41.50
1001	2000	\$151.00	\$75.50
2001	2500	\$204.00	\$102.00
2501	5000	\$271.00	\$135.50
5001	7500	\$330.00	\$165.00
7501	10000	\$397.00	\$198.50
10001	12500	\$464.00	\$232.00
12501	15000	\$532.00	\$266.00
15001	17500	\$598.00	\$299.00
17501	20000	\$659.00	\$329.50
20001	22500	\$726.00	\$363.00
22501	25000	\$793.00	\$396.50
25001	27500	\$860.00	\$430.00
27501	30000	\$927.00	\$463.50
30001	32500	\$987.00	\$493.50
32501	35000	\$1,055.00	\$527.50
35001	37500	\$1,122.00	\$561.00
37501	40000	\$1,189.00	\$594.50
40001	42500	\$1,257.00	\$628.50
42501	45000	\$1,316.00	\$658.00
45001	47500	\$1,384.00	\$692.00
47501	50000	\$1,436.00	\$718.00
50001	52500	\$1,518.00	\$759.00
52501	55000	\$1,585.00	\$792.50
55001	57500	\$1,645.00	\$822.50
57001	60000	\$1,711.00	\$855.50
60001	62500	\$1,764.00	\$882.00
62501	65000	\$1,846.00	\$923.00
65001	67500	\$1,913.00	\$956.50
67501	100000	\$1,973.00	\$986.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **115 Packaged Food Only**

Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	100	\$77.00	\$38.50
101	1000	\$83.00	\$41.50
1001	2000	\$151.00	\$75.50
2001	2500	\$204.00	\$102.00
2501	5000	\$271.00	\$135.50
5001	7500	\$330.00	\$165.00
7501	10000	\$397.00	\$198.50
10001	12500	\$464.00	\$232.00
12501	15000	\$532.00	\$266.00
15001	17500	\$598.00	\$299.00
17501	20000	\$659.00	\$329.50
20001	22500	\$726.00	\$363.00
22501	25000	\$793.00	\$396.50
25001	27500	\$860.00	\$430.00
27501	30000	\$927.00	\$463.50
30001	32500	\$987.00	\$493.50
32501	35000	\$1,055.00	\$527.50
35001	37500	\$1,122.00	\$561.00
37501	40000	\$1,189.00	\$594.50
40001	42500	\$1,257.00	\$628.50
42501	45000	\$1,316.00	\$658.00
45001	47500	\$1,384.00	\$692.00
47501	50000	\$1,436.00	\$718.00
50001	52500	\$1,518.00	\$759.00
52501	55000	\$1,585.00	\$792.50
55001	57500	\$1,645.00	\$822.50
57001	60000	\$1,711.00	\$855.50
60001	62500	\$1,764.00	\$882.00
62501	65000	\$1,846.00	\$923.00
65001	67500	\$1,913.00	\$956.50
67501	1000000	\$1,973.00	\$986.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **116 Chain Packaged Food Only**

Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	100	\$77.00	\$38.50
101	1000	\$83.00	\$41.50
1001	2000	\$151.00	\$75.50
2001	2500	\$204.00	\$102.00
2501	5000	\$271.00	\$135.50
5001	7500	\$330.00	\$165.00
7501	10000	\$397.00	\$198.50
10001	12500	\$464.00	\$232.00
12501	15000	\$532.00	\$266.00
15001	17500	\$598.00	\$299.00
17501	20000	\$659.00	\$329.50
20001	22500	\$726.00	\$363.00
22501	25000	\$793.00	\$396.50
25001	27500	\$860.00	\$430.00
27501	30000	\$927.00	\$463.50
30001	32500	\$987.00	\$493.50
32501	35000	\$1,055.00	\$527.50
35001	37500	\$1,122.00	\$561.00
37501	40000	\$1,189.00	\$594.50
40001	42500	\$1,257.00	\$628.50
42501	45000	\$1,316.00	\$658.00
45001	47500	\$1,384.00	\$692.00
47501	50000	\$1,436.00	\$718.00
50001	52500	\$1,518.00	\$759.00
52501	55000	\$1,585.00	\$792.50
55001	57500	\$1,645.00	\$822.50
57001	60000	\$1,711.00	\$855.50
60001	62500	\$1,764.00	\$882.00
62501	65000	\$1,846.00	\$923.00
65001	67500	\$1,913.00	\$956.50
67501	1000000	\$1,973.00	\$986.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **117 Bakery**

Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	100	\$77.00	\$38.50
101	1000	\$83.00	\$41.50
1001	2000	\$151.00	\$75.50
2001	2500	\$204.00	\$102.00
2501	5000	\$271.00	\$135.50
5001	7500	\$330.00	\$165.00
7501	10000	\$397.00	\$198.50
10001	12500	\$464.00	\$232.00
12501	15000	\$532.00	\$266.00
15001	17500	\$598.00	\$299.00
17501	20000	\$659.00	\$329.50
20001	22500	\$726.00	\$363.00
22501	25000	\$793.00	\$396.50
25001	27500	\$860.00	\$430.00
27501	30000	\$927.00	\$463.50
30001	32500	\$987.00	\$493.50
32501	35000	\$1,055.00	\$527.50
35001	37500	\$1,122.00	\$561.00
37501	40000	\$1,189.00	\$594.50
40001	42500	\$1,257.00	\$628.50
42501	45000	\$1,316.00	\$658.00
45001	47500	\$1,384.00	\$692.00
47501	50000	\$1,436.00	\$718.00
50001	52500	\$1,518.00	\$759.00
52501	55000	\$1,585.00	\$792.50
55001	57500	\$1,645.00	\$822.50
57001	60000	\$1,711.00	\$855.50
60001	62500	\$1,764.00	\$882.00
62501	65000	\$1,846.00	\$923.00
65001	67500	\$1,913.00	\$956.50
67501	100000	\$1,973.00	\$986.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **118 Chain Bakery**

Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	100	\$77.00	\$38.50
101	1000	\$83.00	\$41.50
1001	2000	\$151.00	\$75.50
2001	2500	\$204.00	\$102.00
2501	5000	\$271.00	\$135.50
5001	7500	\$330.00	\$165.00
7501	10000	\$397.00	\$198.50
10001	12500	\$464.00	\$232.00
12501	15000	\$532.00	\$266.00
15001	17500	\$598.00	\$299.00
17501	20000	\$659.00	\$329.50
20001	22500	\$726.00	\$363.00
22501	25000	\$793.00	\$396.50
25001	27500	\$860.00	\$430.00
27501	30000	\$927.00	\$463.50
30001	32500	\$987.00	\$493.50
32501	35000	\$1,055.00	\$527.50
35001	37500	\$1,122.00	\$561.00
37501	40000	\$1,189.00	\$594.50
40001	42500	\$1,257.00	\$628.50
42501	45000	\$1,316.00	\$658.00
45001	47500	\$1,384.00	\$692.00
47501	50000	\$1,436.00	\$718.00
50001	52500	\$1,518.00	\$759.00
52501	55000	\$1,585.00	\$792.50
55001	57500	\$1,645.00	\$822.50
57001	60000	\$1,711.00	\$855.50
60001	62500	\$1,764.00	\$882.00
62501	65000	\$1,846.00	\$923.00
65001	67500	\$1,913.00	\$956.50
67501	100000	\$1,973.00	\$986.50

Category: **119 Mobile – Tier I (Unopened Pre-packaged Food Only)**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	100000	\$77.00	\$38.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **120 Commissary**

Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	50	\$39.00	\$19.50
51	100	\$77.00	\$38.50
101	1000	\$83.00	\$41.50
1001	2000	\$151.00	\$75.50
2001	2500	\$204.00	\$102.00
2501	5000	\$271.00	\$135.50
5001	7500	\$330.00	\$165.00
7501	10000	\$397.00	\$198.50
10001	12500	\$464.00	\$232.00
12501	15000	\$532.00	\$266.00
15001	17500	\$598.00	\$299.00
17501	20000	\$659.00	\$329.50
20001	22500	\$726.00	\$363.00
22501	25000	\$793.00	\$396.50
25001	27500	\$860.00	\$430.00
27501	30000	\$927.00	\$463.50
30001	32500	\$987.00	\$493.50
32501	35000	\$1,055.00	\$527.50
35001	37500	\$1,122.00	\$561.00
37501	40000	\$1,189.00	\$594.50
40001	42500	\$1,257.00	\$628.50
42501	45000	\$1,316.00	\$658.00
45001	47500	\$1,384.00	\$692.00
47501	50000	\$1,436.00	\$718.00
50001	52500	\$1,518.00	\$759.00
52501	55000	\$1,585.00	\$792.50
55001	57500	\$1,645.00	\$822.50
57001	60000	\$1,711.00	\$855.50
60001	62500	\$1,764.00	\$882.00
62501	65000	\$1,846.00	\$923.00
65001	67500	\$1,913.00	\$956.50
67501	100000	\$1,973.00	\$986.50

Category: **123 Mobile - Tier II (Prepared Foods)**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	100000	\$125.00	\$62.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **151 Warehouse**

Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	1000	\$151.00	\$75.50
1001	2000	\$308.00	\$154.00
2001	2500	\$383.00	\$191.50
2501	5000	\$450.00	\$225.00
5001	7500	\$517.00	\$258.50
7501	10000	\$576.00	\$288.00
10001	12500	\$644.00	\$322.00
12501	15000	\$711.00	\$355.50
15001	17500	\$777.00	\$388.50
17501	20000	\$845.00	\$422.50
20001	22500	\$905.00	\$452.50
22501	25000	\$973.00	\$486.50
25001	27500	\$1,039.00	\$519.50
27501	30000	\$1,107.00	\$553.50
30001	32500	\$1,174.00	\$587.00
32501	35000	\$1,234.00	\$617.00
35001	37500	\$1,301.00	\$650.50
37501	40000	\$1,368.00	\$684.00
40001	42500	\$1,436.00	\$718.00
42501	45000	\$1,503.00	\$751.50
45001	47500	\$1,563.00	\$781.50
47501	50000	\$1,630.00	\$815.00
50001	52500	\$1,698.00	\$849.00
52501	55000	\$1,764.00	\$882.00
55001	57500	\$1,831.00	\$915.50
57001	60000	\$1,890.00	\$945.00
60001	62500	\$1,957.00	\$978.50
62501	1000000	\$1,973.00	\$986.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **152 Refrigerated Warehouse**

Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	1000	\$151.00	\$75.50
1001	2000	\$308.00	\$154.00
2001	2500	\$383.00	\$191.50
2501	5000	\$450.00	\$225.00
5001	7500	\$517.00	\$258.50
7501	10000	\$576.00	\$288.00
10001	12500	\$644.00	\$322.00
12501	15000	\$711.00	\$355.50
15001	17500	\$777.00	\$388.50
17501	20000	\$845.00	\$422.50
20001	22500	\$905.00	\$452.50
22501	25000	\$973.00	\$486.50
25001	27500	\$1,039.00	\$519.50
27501	30000	\$1,107.00	\$553.50
30001	32500	\$1,174.00	\$587.00
32501	35000	\$1,234.00	\$617.00
35001	37500	\$1,301.00	\$650.50
37501	40000	\$1,368.00	\$684.00
40001	42500	\$1,436.00	\$718.00
42501	45000	\$1,503.00	\$751.50
45001	47500	\$1,563.00	\$781.50
47501	50000	\$1,630.00	\$815.00
50001	52500	\$1,698.00	\$849.00
52501	55000	\$1,764.00	\$882.00
55001	57500	\$1,831.00	\$915.50
57001	60000	\$1,890.00	\$945.00
60001	62500	\$1,957.00	\$978.50
62501	1000000	\$1,973.00	\$986.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **172 Food Processor**

Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	1000	\$151.00	\$75.50
1001	2000	\$308.00	\$154.00
2001	2500	\$383.00	\$191.50
2501	5000	\$450.00	\$225.00
5001	7500	\$517.00	\$258.50
7501	10000	\$576.00	\$288.00
10001	12500	\$644.00	\$322.00
12501	15000	\$711.00	\$355.50
15001	17500	\$777.00	\$388.50
17501	20000	\$845.00	\$422.50
20001	22500	\$905.00	\$452.50
22501	25000	\$973.00	\$486.50
25001	27500	\$1,039.00	\$519.50
27501	30000	\$1,107.00	\$553.50
30001	32500	\$1,174.00	\$587.00
32501	35000	\$1,234.00	\$617.00
35001	37500	\$1,301.00	\$650.50
37501	40000	\$1,368.00	\$684.00
40001	42500	\$1,436.00	\$718.00
42501	45000	\$1,503.00	\$751.50
45001	47500	\$1,563.00	\$781.50
47501	50000	\$1,630.00	\$815.00
50001	52500	\$1,698.00	\$849.00
52501	55000	\$1,764.00	\$882.00
55001	57500	\$1,831.00	\$915.50
57001	60000	\$1,890.00	\$945.00
60001	62500	\$1,957.00	\$978.50
62501	1000000	\$1,973.00	\$986.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **201 Restaurant with Liquor**

Criteria: **NO OF SEATS**

Space Low	Space High	New Fee	Plan Review Fee
0	30	\$188.00	\$94.00
31	50	\$233.00	\$116.50
51	70	\$285.00	\$142.50
71	90	\$330.00	\$165.00
91	110	\$383.00	\$191.50
111	130	\$435.00	\$217.50
131	150	\$480.00	\$240.00
151	170	\$532.00	\$266.00
171	190	\$576.00	\$288.00
191	210	\$629.00	\$314.50
211	230	\$681.00	\$340.50
231	250	\$726.00	\$363.00
251	270	\$777.00	\$388.50
271	290	\$823.00	\$411.50
291	310	\$876.00	\$438.00
311	330	\$927.00	\$463.50
331	350	\$973.00	\$486.50
351	370	\$1,024.00	\$512.00
371	390	\$1,069.00	\$534.50
391	410	\$1,122.00	\$561.00
411	430	\$1,174.00	\$587.00
431	450	\$1,218.00	\$609.00
451	470	\$1,263.00	\$631.50
471	490	\$1,316.00	\$658.00
491	510	\$1,368.00	\$684.00
511	530	\$1,420.00	\$710.00
531	550	\$1,465.00	\$732.50
551	570	\$1,518.00	\$759.00
571	590	\$1,563.00	\$781.50
591	610	\$1,615.00	\$807.50
611	630	\$1,667.00	\$833.50
631	650	\$1,711.00	\$855.50
651	670	\$1,764.00	\$882.00
671	690	\$1,809.00	\$904.50
691	710	\$1,861.00	\$930.50
711	730	\$1,913.00	\$956.50
731	750	\$1,957.00	\$978.50
751	1000000	\$1,973.00	\$986.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **202 Chain Restaurant with Liquor**

Criteria: **NO OF SEATS**

Space Low	Space High	New Fee	Plan Review Fee
0	30	\$188.00	\$94.00
31	50	\$233.00	\$116.50
51	70	\$285.00	\$142.50
71	90	\$330.00	\$165.00
91	110	\$383.00	\$191.50
111	130	\$435.00	\$217.50
131	150	\$480.00	\$240.00
151	170	\$532.00	\$266.00
171	190	\$576.00	\$288.00
191	210	\$629.00	\$314.50
211	230	\$681.00	\$340.50
231	250	\$726.00	\$363.00
251	270	\$777.00	\$388.50
271	290	\$823.00	\$411.50
291	310	\$876.00	\$438.00
311	330	\$927.00	\$463.50
331	350	\$973.00	\$486.50
351	370	\$1,024.00	\$512.00
371	390	\$1,069.00	\$534.50
391	410	\$1,122.00	\$561.00
411	430	\$1,174.00	\$587.00
431	450	\$1,218.00	\$609.00
451	470	\$1,263.00	\$631.50
471	490	\$1,316.00	\$658.00
491	510	\$1,368.00	\$684.00
511	530	\$1,420.00	\$710.00
531	550	\$1,465.00	\$732.50
551	570	\$1,518.00	\$759.00
571	590	\$1,563.00	\$781.50
591	610	\$1,615.00	\$807.50
611	630	\$1,667.00	\$833.50
631	650	\$1,711.00	\$855.50
651	670	\$1,764.00	\$882.00
671	690	\$1,809.00	\$904.50
691	710	\$1,861.00	\$930.50
711	730	\$1,913.00	\$956.50
731	750	\$1,957.00	\$978.50
751	1000000	\$1,973.00	\$986.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **203 Banquet Hall**

Criteria: **NO OF SEATS**

Space Low	Space High	New Fee	Plan Review Fee
0	30	\$188.00	\$94.00
31	50	\$233.00	\$116.50
51	70	\$285.00	\$142.50
71	90	\$330.00	\$165.00
91	110	\$383.00	\$191.50
111	130	\$435.00	\$217.50
131	150	\$480.00	\$240.00
151	170	\$532.00	\$266.00
171	190	\$576.00	\$288.00
191	210	\$629.00	\$314.50
211	230	\$681.00	\$340.50
231	250	\$726.00	\$363.00
251	270	\$777.00	\$388.50
271	290	\$823.00	\$411.50
291	310	\$876.00	\$438.00
311	330	\$927.00	\$463.50
331	350	\$973.00	\$486.50
351	370	\$1,024.00	\$512.00
371	390	\$1,069.00	\$534.50
391	410	\$1,122.00	\$561.00
411	430	\$1,174.00	\$587.00
431	450	\$1,218.00	\$609.00
451	470	\$1,263.00	\$631.50
471	490	\$1,316.00	\$658.00
491	510	\$1,368.00	\$684.00
511	530	\$1,420.00	\$710.00
531	550	\$1,465.00	\$732.50
551	570	\$1,518.00	\$759.00
571	590	\$1,563.00	\$781.50
591	610	\$1,615.00	\$807.50
611	630	\$1,667.00	\$833.50
631	650	\$1,711.00	\$855.50
651	670	\$1,764.00	\$882.00
671	690	\$1,809.00	\$904.50
691	710	\$1,861.00	\$930.50
711	730	\$1,913.00	\$956.50
731	750	\$1,957.00	\$978.50
751	1000000	\$1,973.00	\$986.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **211 Restaurant without Liquor**

Criteria: **NO OF SEATS**

Space Low	Space High	New Fee	Plan Review Fee
0	30	\$136.00	\$68.00
31	50	\$188.00	\$94.00
51	70	\$233.00	\$116.50
71	90	\$285.00	\$142.50
91	110	\$330.00	\$165.00
111	130	\$383.00	\$191.50
131	150	\$435.00	\$217.50
151	170	\$480.00	\$240.00
171	190	\$532.00	\$266.00
191	210	\$576.00	\$288.00
211	230	\$629.00	\$314.50
231	250	\$681.00	\$340.50
251	270	\$726.00	\$363.00
271	290	\$777.00	\$388.50
291	310	\$823.00	\$411.50
311	330	\$876.00	\$438.00
331	350	\$927.00	\$463.50
351	370	\$973.00	\$486.50
371	390	\$1,024.00	\$512.00
391	410	\$1,069.00	\$534.50
411	430	\$1,122.00	\$561.00
431	450	\$1,174.00	\$587.00
451	470	\$1,218.00	\$609.00
471	490	\$1,271.00	\$635.50
491	510	\$1,316.00	\$658.00
511	530	\$1,368.00	\$684.00
531	550	\$1,420.00	\$710.00
551	570	\$1,465.00	\$732.50
571	590	\$1,518.00	\$759.00
591	610	\$1,563.00	\$781.50
611	630	\$1,615.00	\$807.50
631	650	\$1,667.00	\$833.50
651	670	\$1,711.00	\$855.50
671	690	\$1,764.00	\$882.00
691	710	\$1,809.00	\$904.50
711	730	\$1,861.00	\$930.50
731	750	\$1,913.00	\$956.50
751	770	\$1,957.00	\$978.50
771	1000000	\$1,973.00	\$986.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **212 Chain Restaurant without Liquor**

Criteria: **NO OF SEATS**

Space Low	Space High	New Fee	Plan Review Fee
0	30	\$136.00	\$68.00
31	50	\$188.00	\$94.00
51	70	\$233.00	\$116.50
71	90	\$285.00	\$142.50
91	110	\$330.00	\$165.00
111	130	\$383.00	\$191.50
131	150	\$435.00	\$217.50
151	170	\$480.00	\$240.00
171	190	\$532.00	\$266.00
191	210	\$576.00	\$288.00
211	230	\$629.00	\$314.50
231	250	\$681.00	\$340.50
251	270	\$726.00	\$363.00
271	290	\$777.00	\$388.50
291	310	\$823.00	\$411.50
311	330	\$876.00	\$438.00
331	350	\$927.00	\$463.50
351	370	\$973.00	\$486.50
371	390	\$1,024.00	\$512.00
391	410	\$1,069.00	\$534.50
411	430	\$1,122.00	\$561.00
431	450	\$1,174.00	\$587.00
451	470	\$1,218.00	\$609.00
471	490	\$1,271.00	\$635.50
491	510	\$1,316.00	\$658.00
511	530	\$1,368.00	\$684.00
531	550	\$1,420.00	\$710.00
551	570	\$1,465.00	\$732.50
571	590	\$1,518.00	\$759.00
591	610	\$1,563.00	\$781.50
611	630	\$1,615.00	\$807.50
631	650	\$1,667.00	\$833.50
651	670	\$1,711.00	\$855.50
671	690	\$1,764.00	\$882.00
691	710	\$1,809.00	\$904.50
711	730	\$1,861.00	\$930.50
731	750	\$1,913.00	\$956.50
751	770	\$1,957.00	\$978.50
771	1000000	\$1,973.00	\$986.50

Category: **250 Social Club-Bar Only**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	1000000	\$105.00	\$52.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **300 Rooming House(Priority)**

Criteria: **NO OF ROOMS**

Space Low	Space High	New Fee	Plan Review Fee
0	9	\$203.00	\$101.50
10	24	\$508.00	\$254.00
25	100	\$763.00	\$381.50
101	200	\$798.00	\$399.00
201	300	\$834.00	\$417.00
301	400	\$868.00	\$434.00
401	500	\$904.00	\$452.00
501	600	\$940.00	\$470.00
601	700	\$975.00	\$487.50
701	800	\$1,011.00	\$505.50
801	900	\$1,046.00	\$523.00
901	1000	\$1,082.00	\$541.00
1001	1100	\$1,118.00	\$559.00
1101	1200	\$1,153.00	\$576.50
1201	1300	\$1,189.00	\$594.50
1301	1400	\$1,223.00	\$611.50
1401	100000	\$1,970.00	\$985.00

Category: **301 Rooming House(Non-Priority)**

Criteria: **NO OF ROOMS**

Space Low	Space High	New Fee	Plan Review Fee
0	9	\$203.00	\$101.50
10	24	\$508.00	\$254.00
25	100	\$763.00	\$381.50
101	200	\$798.00	\$399.00
201	300	\$834.00	\$417.00
301	400	\$868.00	\$434.00
401	500	\$904.00	\$452.00
501	600	\$940.00	\$470.00
601	700	\$975.00	\$487.50
701	800	\$1,011.00	\$505.50
801	900	\$1,046.00	\$523.00
901	1000	\$1,082.00	\$541.00
1001	1100	\$1,118.00	\$559.00
1101	1200	\$1,153.00	\$576.50
1201	1300	\$1,189.00	\$594.50
1301	1400	\$1,223.00	\$611.50
1401	100000	\$1,970.00	\$985.00

Category: **302 Rooming House/Fee Exempt**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	0	\$0.00	\$0.00



Allegheny County Health Department

Food & Housing Fees 2020

Category: **303 Rooming House with Guest food Service**

Criteria: **NO OF ROOMS**

Space Low	Space High	New Fee	Plan Review Fee
0	9	\$334.00	\$167.00
10	24	\$639.00	\$319.50
25	100	\$894.00	\$447.00
101	200	\$929.00	\$464.50
201	300	\$965.00	\$482.50
301	400	\$999.00	\$499.50
401	500	\$1,035.00	\$517.50
501	600	\$1,071.00	\$535.50
601	700	\$1,106.00	\$553.00
701	800	\$1,142.00	\$571.00
801	900	\$1,177.00	\$588.50
901	1000	\$1,213.00	\$606.50
1001	1100	\$1,249.00	\$624.50
1101	1200	\$1,284.00	\$642.00
1201	1300	\$1,320.00	\$660.00
1301	1400	\$1,354.00	\$677.00
1401	100000	\$2,101.00	\$1,050.50

Category: **304 Personal Care Boarding Home**

Criteria: **NO OF ROOMS**

Space Low	Space High	New Fee	Plan Review Fee
0	9	\$334.00	\$167.00
10	24	\$639.00	\$319.50
25	100	\$894.00	\$447.00
101	200	\$929.00	\$464.50
201	300	\$965.00	\$482.50
301	400	\$999.00	\$499.50
401	500	\$1,035.00	\$517.50
501	600	\$1,071.00	\$535.50
601	700	\$1,106.00	\$553.00
701	800	\$1,142.00	\$571.00
801	900	\$1,177.00	\$588.50
901	1000	\$1,213.00	\$606.50
1001	1100	\$1,249.00	\$624.50
1101	1200	\$1,284.00	\$642.00
1201	1300	\$1,320.00	\$660.00
1301	1400	\$1,354.00	\$677.00
1401	100000	\$2,101.00	\$1,050.50

Category: **305 Personal Care Boarding Home/Fee Exempt**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	0	\$0.00	\$0.00



Allegheny County Health Department

Food & Housing Fees 2020

Category: **306 Traditional Boarding Home**

Criteria: **NO OF ROOMS**

Space Low	Space High	New Fee	Plan Review Fee
0	9	\$334.00	\$167.00
10	24	\$639.00	\$319.50
25	100	\$894.00	\$447.00
101	200	\$929.00	\$464.50
201	300	\$965.00	\$482.50
301	400	\$999.00	\$499.50
401	500	\$1,035.00	\$517.50
501	600	\$1,071.00	\$535.50
601	700	\$1,106.00	\$553.00
701	800	\$1,142.00	\$571.00
801	900	\$1,177.00	\$588.50
901	1000	\$1,213.00	\$606.50
1001	1100	\$1,249.00	\$624.50
1101	1200	\$1,284.00	\$642.00
1201	1300	\$1,320.00	\$660.00
1301	1400	\$1,354.00	\$677.00
1401	100000	\$2,101.00	\$1,050.50

Category: **307 Traditional Boarding Home/Fee Exempt**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	0	\$0.00	\$0.00

Category: **308 Nursing Home**

Criteria: **NO OF ROOMS**

Space Low	Space High	New Fee	Plan Review Fee
0	9	\$334.00	\$167.00
10	24	\$639.00	\$319.50
25	100	\$894.00	\$447.00
101	200	\$929.00	\$464.50
201	300	\$965.00	\$482.50
301	400	\$999.00	\$499.50
401	500	\$1,035.00	\$517.50
501	600	\$1,071.00	\$535.50
601	700	\$1,106.00	\$553.00
701	800	\$1,142.00	\$571.00
801	900	\$1,177.00	\$588.50
901	1000	\$1,213.00	\$606.50
1001	1100	\$1,249.00	\$624.50
1101	1200	\$1,284.00	\$642.00
1201	1300	\$1,320.00	\$660.00
1301	1400	\$1,354.00	\$677.00
1401	100000	\$2,101.00	\$1,050.50

Category: **309 Nursing Home/Fee Exempt**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	0	\$0.00	\$0.00



Allegheny County Health Department

Food & Housing Fees 2020

Category: **313 Nursing Home/Personal Care Comb.**

Criteria: **NO OF ROOMS**

Space Low	Space High	New Fee	Plan Review Fee
0	9	\$334.00	\$167.00
10	24	\$639.00	\$319.50
25	100	\$894.00	\$447.00
101	200	\$929.00	\$464.50
201	300	\$965.00	\$482.50
301	400	\$999.00	\$499.50
401	500	\$1,035.00	\$517.50
501	600	\$1,071.00	\$535.50
601	700	\$1,106.00	\$553.00
701	800	\$1,142.00	\$571.00
801	900	\$1,177.00	\$588.50
901	1000	\$1,213.00	\$606.50
1001	1100	\$1,249.00	\$624.50
1101	1200	\$1,284.00	\$642.00
1201	1300	\$1,320.00	\$660.00
1301	1400	\$1,354.00	\$677.00
1401	100000	\$2,101.00	\$1,050.50

Category: **314 Nursing Home/Personal Care Comb./Fee Exempt**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	0	\$0.00	\$0.00



Allegheny County Health Department

Food & Housing Fees 2020

Category: **315 Nursing Home/Personal Care Snack Bar**

Criteria: **NO OF SEATS**

Space Low	Space High	New Fee	Plan Review Fee
0	30	\$136.00	\$68.00
31	50	\$188.00	\$94.00
51	70	\$233.00	\$116.50
71	90	\$285.00	\$142.50
91	110	\$329.00	\$164.50
111	130	\$382.00	\$191.00
131	150	\$434.00	\$217.00
151	170	\$479.00	\$239.50
171	190	\$530.00	\$265.00
191	210	\$575.00	\$287.50
211	230	\$628.00	\$314.00
231	250	\$680.00	\$340.00
251	270	\$724.00	\$362.00
271	290	\$776.00	\$388.00
291	310	\$821.00	\$410.50
311	330	\$874.00	\$437.00
331	350	\$926.00	\$463.00
351	370	\$970.00	\$485.00
371	390	\$1,022.00	\$511.00
391	410	\$1,067.00	\$533.50
411	430	\$1,120.00	\$560.00
431	450	\$1,172.00	\$586.00
451	470	\$1,216.00	\$608.00
471	490	\$1,268.00	\$634.00
491	510	\$1,314.00	\$657.00
511	530	\$1,366.00	\$683.00
531	550	\$1,418.00	\$709.00
551	570	\$1,463.00	\$731.50
571	590	\$1,514.00	\$757.00
591	610	\$1,561.00	\$780.50
611	630	\$1,612.00	\$806.00
631	650	\$1,664.00	\$832.00
651	670	\$1,709.00	\$854.50
671	690	\$1,761.00	\$880.50
691	710	\$1,807.00	\$903.50
711	730	\$1,859.00	\$929.50
731	750	\$1,910.00	\$955.00
751	770	\$1,955.00	\$977.50
771	1000000	\$1,970.00	\$985.00

Category: **316 Nursing Home/Personal Care Snack Bar/Fee Exempt**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	0	\$0.00	\$0.00



Allegheny County Health Department

Food & Housing Fees 2020

Category: **333 Temporary**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
1	1	\$47.00	\$23.50

Category: **401 Adult Food Service**

Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	1000	\$136.00	\$68.00
1001	2000	\$188.00	\$94.00
2001	2500	\$256.00	\$128.00
2501	5000	\$323.00	\$161.50
5001	7500	\$390.00	\$195.00
7501	10000	\$457.00	\$228.50
10001	12500	\$517.00	\$258.50
12501	15000	\$585.00	\$292.50
15001	17500	\$651.00	\$325.50
17501	20000	\$719.00	\$359.50
20001	22500	\$786.00	\$393.00
22501	25000	\$845.00	\$422.50
25001	27500	\$912.00	\$456.00
27501	30000	\$979.00	\$489.50
30001	32500	\$1,047.00	\$523.50
32501	35000	\$1,113.00	\$556.50
35001	37500	\$1,174.00	\$587.00
37501	40000	\$1,241.00	\$620.50
40001	42500	\$1,309.00	\$654.50
42501	45000	\$1,375.00	\$687.50
45001	47500	\$1,442.00	\$721.00
47501	50000	\$1,503.00	\$751.50
50001	52500	\$1,569.00	\$784.50
52501	55000	\$1,637.00	\$818.50
55001	57500	\$1,704.00	\$852.00
57001	60000	\$1,772.00	\$886.00
60001	62500	\$1,833.00	\$916.50
62501	65000	\$1,899.00	\$949.50
65001	67500	\$1,966.00	\$983.00
67501	1000000	\$1,973.00	\$986.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **403 Child Food Service**

Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	1000	\$136.00	\$68.00
1001	2000	\$188.00	\$94.00
2001	2500	\$256.00	\$128.00
2501	5000	\$323.00	\$161.50
5001	7500	\$390.00	\$195.00
7501	10000	\$457.00	\$228.50
10001	12500	\$517.00	\$258.50
12501	15000	\$585.00	\$292.50
15001	17500	\$651.00	\$325.50
17501	20000	\$719.00	\$359.50
20001	22500	\$786.00	\$393.00
22501	25000	\$845.00	\$422.50
25001	27500	\$912.00	\$456.00
27501	30000	\$979.00	\$489.50
30001	32500	\$1,047.00	\$523.50
32501	35000	\$1,113.00	\$556.50
35001	37500	\$1,174.00	\$587.00
37501	40000	\$1,241.00	\$620.50
40001	42500	\$1,309.00	\$654.50
42501	45000	\$1,375.00	\$687.50
45001	47500	\$1,442.00	\$721.00
47501	50000	\$1,503.00	\$751.50
50001	52500	\$1,569.00	\$784.50
52501	55000	\$1,637.00	\$818.50
55001	57500	\$1,704.00	\$852.00
57001	60000	\$1,772.00	\$886.00
60001	62500	\$1,833.00	\$916.50
62501	65000	\$1,899.00	\$949.50
65001	67500	\$1,966.00	\$983.00
67501	100000	\$1,973.00	\$986.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **405 University Food Service**

Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	1000	\$136.00	\$68.00
1001	2000	\$188.00	\$94.00
2001	2500	\$256.00	\$128.00
2501	5000	\$323.00	\$161.50
5001	7500	\$390.00	\$195.00
7501	10000	\$457.00	\$228.50
10001	12500	\$517.00	\$258.50
12501	15000	\$585.00	\$292.50
15001	17500	\$651.00	\$325.50
17501	20000	\$719.00	\$359.50
20001	22500	\$786.00	\$393.00
22501	25000	\$845.00	\$422.50
25001	27500	\$912.00	\$456.00
27501	30000	\$979.00	\$489.50
30001	32500	\$1,047.00	\$523.50
32501	35000	\$1,113.00	\$556.50
35001	37500	\$1,174.00	\$587.00
37501	40000	\$1,241.00	\$620.50
40001	42500	\$1,309.00	\$654.50
42501	45000	\$1,375.00	\$687.50
45001	47500	\$1,442.00	\$721.00
47501	50000	\$1,503.00	\$751.50
50001	52500	\$1,569.00	\$784.50
52501	55000	\$1,637.00	\$818.50
55001	57500	\$1,704.00	\$852.00
57001	60000	\$1,772.00	\$886.00
60001	62500	\$1,833.00	\$916.50
62501	65000	\$1,899.00	\$949.50
65001	67500	\$1,966.00	\$983.00
67501	100000	\$1,973.00	\$986.50

Category: **407 Church Kitchen**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
1	1	\$50.00	\$25.00



Allegheny County Health Department

Food & Housing Fees 2020

Category: **408 Firehall with Liquor**

Criteria: **NO OF SEATS**

Space Low	Space High	New Fee	Plan Review Fee
0	30	\$188.00	\$94.00
31	50	\$233.00	\$116.50
51	70	\$285.00	\$142.50
71	90	\$330.00	\$165.00
91	110	\$383.00	\$191.50
111	130	\$435.00	\$217.50
131	150	\$480.00	\$240.00
151	170	\$532.00	\$266.00
171	190	\$576.00	\$288.00
191	210	\$629.00	\$314.50
211	230	\$681.00	\$340.50
231	250	\$726.00	\$363.00
251	270	\$777.00	\$388.50
271	290	\$823.00	\$411.50
291	310	\$876.00	\$438.00
311	330	\$927.00	\$463.50
331	350	\$973.00	\$486.50
351	370	\$1,024.00	\$512.00
371	390	\$1,069.00	\$534.50
391	410	\$1,122.00	\$561.00
411	430	\$1,174.00	\$587.00
431	450	\$1,218.00	\$609.00
451	470	\$1,263.00	\$631.50
471	490	\$1,316.00	\$658.00
491	510	\$1,368.00	\$684.00
511	530	\$1,420.00	\$710.00
531	550	\$1,465.00	\$732.50
551	570	\$1,518.00	\$759.00
571	590	\$1,563.00	\$781.50
591	610	\$1,615.00	\$807.50
611	630	\$1,667.00	\$833.50
631	650	\$1,711.00	\$855.50
651	670	\$1,764.00	\$882.00
671	690	\$1,809.00	\$904.50
691	710	\$1,861.00	\$930.50
711	730	\$1,913.00	\$956.50
731	750	\$1,957.00	\$978.50
751	1000000	\$1,973.00	\$986.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **409 Firehall without Liquor**

Criteria: **NO OF SEATS**

Space Low	Space High	New Fee	Plan Review Fee
0	30	\$136.00	\$68.00
31	50	\$188.00	\$94.00
51	70	\$233.00	\$116.50
71	90	\$285.00	\$142.50
91	110	\$330.00	\$165.00
111	130	\$383.00	\$191.50
131	150	\$435.00	\$217.50
151	170	\$480.00	\$240.00
171	190	\$532.00	\$266.00
191	210	\$576.00	\$288.00
211	230	\$629.00	\$314.50
231	250	\$681.00	\$340.50
251	270	\$726.00	\$363.00
271	290	\$777.00	\$388.50
291	310	\$823.00	\$411.50
311	330	\$876.00	\$438.00
331	350	\$927.00	\$463.50
351	370	\$973.00	\$486.50
371	390	\$1,024.00	\$512.00
391	410	\$1,069.00	\$534.50
411	430	\$1,122.00	\$561.00
431	450	\$1,174.00	\$587.00
451	470	\$1,218.00	\$609.00
471	490	\$1,271.00	\$635.50
491	510	\$1,316.00	\$658.00
511	530	\$1,368.00	\$684.00
531	550	\$1,420.00	\$710.00
551	570	\$1,465.00	\$732.50
571	590	\$1,518.00	\$759.00
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651	670	\$1,711.00	\$855.50
671	690	\$1,764.00	\$882.00
691	710	\$1,809.00	\$904.50
711	730	\$1,861.00	\$930.50
731	750	\$1,913.00	\$956.50
751	770	\$1,957.00	\$978.50
771	1000000	\$1,973.00	\$986.50

Category: **410 Community Service Facility**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
1	1	\$50.00	\$25.00



Allegheny County Health Department

Food & Housing Fees 2020

Category: **411 Hospital/Other Institution**

Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	1000	\$136.00	\$68.00
1001	2000	\$188.00	\$94.00
2001	2500	\$256.00	\$128.00
2501	5000	\$323.00	\$161.50
5001	7500	\$390.00	\$195.00
7501	10000	\$457.00	\$228.50
10001	12500	\$517.00	\$258.50
12501	15000	\$585.00	\$292.50
15001	17500	\$651.00	\$325.50
17501	20000	\$719.00	\$359.50
20001	22500	\$786.00	\$393.00
22501	25000	\$845.00	\$422.50
25001	27500	\$912.00	\$456.00
27501	30000	\$979.00	\$489.50
30001	32500	\$1,047.00	\$523.50
32501	35000	\$1,113.00	\$556.50
35001	37500	\$1,174.00	\$587.00
37501	40000	\$1,241.00	\$620.50
40001	42500	\$1,309.00	\$654.50
42501	45000	\$1,375.00	\$687.50
45001	47500	\$1,442.00	\$721.00
47501	50000	\$1,503.00	\$751.50
50001	52500	\$1,569.00	\$784.50
52501	55000	\$1,637.00	\$818.50
55001	57500	\$1,704.00	\$852.00
57001	60000	\$1,772.00	\$886.00
60001	62500	\$1,833.00	\$916.50
62501	65000	\$1,899.00	\$949.50
65001	67500	\$1,966.00	\$983.00
67501	1000000	\$1,973.00	\$986.50

Category: **412 Food Banks/ Food Pantries**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
1	1	\$50.00	\$25.00



Allegheny County Health Department

Food & Housing Fees 2020

Category: **413 Hospital, Gov, University (limited)**

Criteria: **NO OF SEATS**

Space Low	Space High	New Fee	Plan Review Fee
0	30	\$136.00	\$68.00
31	50	\$188.00	\$94.00
51	70	\$233.00	\$116.50
71	90	\$285.00	\$142.50
91	110	\$330.00	\$165.00
111	130	\$383.00	\$191.50
131	150	\$435.00	\$217.50
151	170	\$480.00	\$240.00
171	190	\$532.00	\$266.00
191	210	\$576.00	\$288.00
211	230	\$629.00	\$314.50
231	250	\$681.00	\$340.50
251	270	\$726.00	\$363.00
271	290	\$777.00	\$388.50
291	310	\$823.00	\$411.50
311	330	\$876.00	\$438.00
331	350	\$927.00	\$463.50
351	370	\$973.00	\$486.50
371	390	\$1,024.00	\$512.00
391	410	\$1,069.00	\$534.50
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451	470	\$1,218.00	\$609.00
471	490	\$1,271.00	\$635.50
491	510	\$1,316.00	\$658.00
511	530	\$1,368.00	\$684.00
531	550	\$1,420.00	\$710.00
551	570	\$1,465.00	\$732.50
571	590	\$1,518.00	\$759.00
591	610	\$1,563.00	\$781.50
611	630	\$1,615.00	\$807.50
631	650	\$1,667.00	\$833.50
651	670	\$1,711.00	\$855.50
671	690	\$1,764.00	\$882.00
691	710	\$1,809.00	\$904.50
711	730	\$1,861.00	\$930.50
731	750	\$1,913.00	\$956.50
751	770	\$1,957.00	\$978.50
771	1000000	\$1,973.00	\$986.50

Category: **555 Seasonal/Farmers Market**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
1	1	\$77.00	\$38.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **651 School Full Service Kitchen** Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	100000	\$168.00	\$84.00

Category: **653 School Satellite Kitchen** Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	100000	\$168.00	\$84.00

Category: **656 School Snack Bar** Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	100000	\$168.00	\$84.00

Category: **658 Concession Stands** Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	100000	\$168.00	\$84.00

Category: **700 Year Around Pool System** Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	6000	\$83.00	\$41.50
6001	13500	\$166.00	\$83.00
13501	50000	\$329.00	\$164.50
50001	58000	\$740.00	\$370.00
58001	70000	\$821.00	\$410.50
70001	82000	\$889.00	\$444.50
82001	94000	\$986.00	\$493.00

Category: **701 Seasonal Pool/No Wading Pool** Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	6000	\$83.00	\$41.50
6001	13500	\$166.00	\$83.00
13501	50000	\$329.00	\$164.50
50001	58000	\$740.00	\$370.00
58001	70000	\$821.00	\$410.50
70001	82000	\$889.00	\$444.50
82001	94000	\$986.00	\$493.00

Category: **702 Spa/Hot Tub** Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	0	\$0.00	\$0.00

Category: **703 Water Slide Pool** Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	6000	\$83.00	\$41.50
6001	13500	\$166.00	\$83.00
13501	50000	\$329.00	\$164.50
50001	58000	\$740.00	\$370.00
58001	70000	\$821.00	\$410.50
70001	82000	\$889.00	\$444.50
82001	94000	\$986.00	\$493.00



Allegheny County Health Department

Food & Housing Fees 2020

Category: **704 Pool & Wading Pool System**

Criteria: **SQUARE FEET**

Space Low	Space High	New Fee	Plan Review Fee
0	6000	\$83.00	\$41.50
6001	13500	\$166.00	\$83.00
13501	50000	\$329.00	\$164.50
50001	58000	\$740.00	\$370.00
58001	70000	\$821.00	\$410.50
70001	82000	\$889.00	\$444.50
82001	94000	\$986.00	\$493.00

Category: **705 School Pool**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	100000	\$168.00	\$84.00

Category: **706 Condominium Pool**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	0	\$0.00	\$0.00



Allegheny County Health Department

Food & Housing Fees 2020

Category: **707 Pool Snack Bar/No Liquor**

Criteria: **NO OF SEATS**

Space Low	Space High	New Fee	Plan Review Fee
0	30	\$136.00	\$68.00
31	50	\$188.00	\$94.00
51	70	\$233.00	\$116.50
71	90	\$285.00	\$142.50
91	110	\$330.00	\$165.00
111	130	\$383.00	\$191.50
131	150	\$435.00	\$217.50
151	170	\$480.00	\$240.00
171	190	\$532.00	\$266.00
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271	290	\$777.00	\$388.50
291	310	\$823.00	\$411.50
311	330	\$876.00	\$438.00
331	350	\$927.00	\$463.50
351	370	\$973.00	\$486.50
371	390	\$1,024.00	\$512.00
391	410	\$1,069.00	\$534.50
411	430	\$1,122.00	\$561.00
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491	510	\$1,316.00	\$658.00
511	530	\$1,368.00	\$684.00
531	550	\$1,420.00	\$710.00
551	570	\$1,465.00	\$732.50
571	590	\$1,518.00	\$759.00
591	610	\$1,563.00	\$781.50
611	630	\$1,615.00	\$807.50
631	650	\$1,667.00	\$833.50
651	670	\$1,711.00	\$855.50
671	690	\$1,764.00	\$882.00
691	710	\$1,809.00	\$904.50
711	730	\$1,861.00	\$930.50
731	750	\$1,913.00	\$956.50
751	770	\$1,957.00	\$978.50
771	1000000	\$1,973.00	\$986.50



Allegheny County Health Department

Food & Housing Fees 2020

Category: **708 Pool Snack Bar/With Liquor**

Criteria: **NO OF SEATS**

Space Low	Space High	New Fee	Plan Review Fee
0	30	\$188.00	\$94.00
31	50	\$233.00	\$116.50
51	70	\$285.00	\$142.50
71	90	\$330.00	\$165.00
91	110	\$383.00	\$191.50
111	130	\$435.00	\$217.50
131	150	\$480.00	\$240.00
151	170	\$532.00	\$266.00
171	190	\$576.00	\$288.00
191	210	\$629.00	\$314.50
211	230	\$681.00	\$340.50
231	250	\$726.00	\$363.00
251	270	\$777.00	\$388.50
271	290	\$823.00	\$411.50
291	310	\$876.00	\$438.00
311	330	\$927.00	\$463.50
331	350	\$973.00	\$486.50
351	370	\$1,024.00	\$512.00
371	390	\$1,069.00	\$534.50
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411	430	\$1,174.00	\$587.00
431	450	\$1,218.00	\$609.00
451	470	\$1,263.00	\$631.50
471	490	\$1,316.00	\$658.00
491	510	\$1,368.00	\$684.00
511	530	\$1,420.00	\$710.00
531	550	\$1,465.00	\$732.50
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651	670	\$1,764.00	\$882.00
671	690	\$1,809.00	\$904.50
691	710	\$1,861.00	\$930.50
711	730	\$1,913.00	\$956.50
731	750	\$1,957.00	\$978.50
751	1000000	\$1,973.00	\$986.50

Category: **709 Fee Exempt Pool**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	0	\$0.00	\$0.00

Category: **710 Wading/Spray Pool System**

Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	0	\$0.00	\$0.00



Allegheny County Health Department

Food & Housing Fees 2020

Category: **712 Recycling Spray Pads** Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	0	\$0.00	\$0.00

Category: **713 Recycling Spray Pads** Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
0	0	\$0.00	\$0.00

Category: **777 Seasonal/Pool Snack Bar** Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
1	1	\$77.00	\$38.50

Category: **800 Ice Arena** Criteria: **FIXED**

Space Low	Space High	New Fee	Plan Review Fee
1	1	\$144.00	\$72.00

COUNTY OF



ALLEGHENY

RESOLUTION ADOPTING THE HEARING OFFICER'S FINDINGS OF FACT AND CONCLUSIONS OF LAW CONCERNING THE APPEAL OF HEALTH DEPARTMENT EMPLOYEE

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, Employee #83396 ("Appellant"), 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 resolved during its January 5, 2022 regular meeting to request the County Solicitor to obtain a Hearing Officer to conduct a public hearing to hear Appellant's claims, and;

WHEREAS, the County Solicitor did obtain a Hearing Officer to hear Appellant's claims, and;

WHEREAS, on January 26, 2022, the Hearing Officer conducted a public hearing to consider Appellant's claims, and;

WHEREAS, following that hearing, the Hearing Officer prepared for the Board of Health his "Findings of Fact and Conclusions of Law and Hearing Officer Recommendation",

NOW, THEREFORE, BE IT RESOLVED that upon consideration of the Hearing Officer's Findings of Fact and Conclusions of Law and Hearing Officer's Recommendation, the Board of Health hereby adopts the appointed hearing officer's findings of fact and conclusions of law concerning Appellant's claims;

BE IT FURTHER RESOLVED that the Board of Health likewise adopts the Hearing Officer's recommendation and hereby upholds the Allegheny County Health Department's decision to terminate Appellant's employment and directs that a copy of the Hearing Officer's Findings of Fact and Conclusions of Law and Hearing Officer's Recommendation be transmitted to Employee along with this Resolution.



DEBRA L. BOGEN, MD, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
542 FOURTH AVENUE • PITTSBURGH, PA 15219
PHONE (412) 578-8008 • FAX (412) 578-8325
WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT



Clean Air Fund Request for Research

Date: April 5, 2022

Submitter: Debra Bogen, MD

Name: Planning Grant to Design a Research Study to Measure the Impact of H₂S and SO₂ on the health of Allegheny County Residents

Goal: Design a research study to measure the health impacts of Air Quality on residents in Allegheny County. At the end of the planning grant – the team will have:

- Developed the study design, identified sample populations including estimated sample size
- Identified and selected health measures and data collection processes
- Identified AQ monitoring needs to align with the health metrics, including potential portable or wearable monitors
- Identified partners needed to successfully complete the proposed study - e.g. community partnerships
- Develop cost estimates and timelines to complete the proposed study
- The product of this grant application will be the proposed study completed by end Dec 2022

Partners

- ACHD
 - LuAnn Brink, PhD
 - David Good, MS
 - Aja Ellis, PhD
 - Debra Bogen, MD
- University of Pittsburgh
 - Maureen Lichtveld, MD, PhD
 - Jeanine Buchanich, Med, MPH, PhD
 - Sally Wenzel, MD
 - James Fabisiak, PhD
- CMU: Albert Presto, PhD and his Lab
- Duquesne University Center for Integrative Health
 - Jennifer Elliott, PharmD
 - Paige Williams, MPH
 - Lisa Ripper, MPH

To complete the planning process, the team will meet biweekly to develop the research study collaboratively. The requested funding will support the time for the experts from these organizations to participate in the planning process. The responsibilities for each organization in preparing the final grant proposal follow:

- Pitt SPH: develop the overall study design, population selection, health metrics and data collection methods
- CMU: provide guidance on air quality monitoring needs, costs of monitors, limitations of equipment
- Duquesne Univ: develop the community engagement plan and

- ACHD DRDC: support all of the above groups with data (Brink), health measures (Bogen), monitoring (Good) and modeling (Ellis) and prepare the final budget

Budget: To support the work of the partners, we request \$30,000 - \$10,000 for each organization to support the time to develop of the research study and prepare the grant application.

Considerations:

Over the past couple of decades, the air quality in Allegheny County has steadily improved. Just this year the county met the three-year national ambient air quality standards (NAAQS) for PM2.5. However, there is ongoing national debate about the current standards as emerging evidence suggests that even at these levels, PM2.5 impacts short and long-term health. The impact of exposure to criteria pollutants below the NAAQs and exposure to H2S (currently a nuisance standard in PA) are not well studied. These will be the focus of the study but the team will consider if other pollutants should be included in the study.

ACHD, the regulatory authority in Allegheny County that enforces the Clean Air Act, is responsible for ensuring the health and safety of our community based on our authority by Act 315. ACHD does not regulate indoor air but because indoor air can contribute to the health of residents, it is an important area to evaluate as well.

Many studies of health impacts focus on classic physical signs and symptoms such as respiratory symptoms, headaches, watery eyes, and others. However, there are other potential impacts that are not routinely considered such as the impact AQ has on physical activity, mood, and general well-being. The team will consider a wide range of potential impacts as they plan the study.

The team will also consider a range of methodologies – including innovative approaches such as incorporating interventions into the study, considering adaptable clinical trial methodology and modern data collection approaches like ecological assessments, wearable devices, and others.

The ultimate goal is to design a study that informs local policy to improve the health of county residents, especially those most impacted by air quality.

EDWARD C. GAINNEY
MAYOR



LAURA DROGOWSKI
MANAGER

CITY OF PITTSBURGH
OFFICE OF COMMUNITY HEALTH & SAFETY
CITY-COUNTY BUILDING

April 12th, 2022

Chair Lee Harrison, MD
Allegheny County Board of Health
c/o Allegheny County Health Department
542 Fourth Avenue
Pittsburgh, PA 15219

Dear Dr. Harrison,

In response to significant morbidity and mortality caused by the worsening drug poisoning crisis, the City of Pittsburgh wishes to convey its intent to operate a needle exchange program at 611 Second Avenue, Pittsburgh, PA 15219. The proposed program would be operated by the key individuals outlined in Appendix A on Mondays during the hours of 9 AM to 5 PM.

Syringe service programs are a critical harm reduction service that provide for the health, safety, and wellbeing of people who use drugs. Decades of evidence demonstrate that syringe service programs prevent HIV and Hepatitis C transmission through the distribution of sterile needles and serve as a trusted and critical resource hub for people who use drugs. As a result of stigma and the criminalization of drug use, people who use drugs are often mistrusting of traditional healthcare resources. Staff who operate syringe service programs are trusted allies to those who use drugs and play an important role in connecting individuals to social services and recovery supports. Syringe service programs also play a vital role in the distribution of naloxone and help to get this lifesaving overdose antidote into the hands of individuals at greatest risk of an opioid overdose.

Prevention Point Pittsburgh has operated as Allegheny County's sole syringe service provider since 1995 and has served as lifeline for those who lack access to safer substance use supplies. For over two decades, the City of Pittsburgh has benefitted from Prevention Point Pittsburgh's programs and has repeatedly acted to authorize additional sites to meet the increasing demand for supplies and support. Despite the introduction of these sites, HIV transmission rates in the City of Pittsburgh have increased in recent years. In 2017, the rate of new HIV diagnoses in Allegheny County was 3.0-3.9 cases per 100,000 residents. The rate of new diagnoses increased to 4.00-7.99 diagnoses per 100,000 residents in 2018 and 25-99 diagnoses per 100,000 residents in 2019.¹ Additionally, Hepatitis C infection among people with substance use disorder increased from 52.9 new cases per 1,000 in 2018 to 58 new cases per 1000 in 2019.² These statistics, combined with a 22% increase in overdose deaths from 2019 to 2020 and an exacerbation of risk factors for unsafe drug use amid the COVID-19 pandemic, demonstrate that more resources are needed to address the growing crisis.

To help meet the need for connections to healthcare and social services coordination, as well as help reduce the burden placed on first responders, the City of Pittsburgh created the Office of Community Health and Safety. With new capacity created by this rapidly growing office and leadership from Mayor Gainey, who has championed SSP legalization across the Commonwealth, the City of Pittsburgh stands ready to provide harm reduction services to Pittsburgh residents and increase access to supplies for individuals who use drugs and providers who engage with our community.

The proposed location of the City of Pittsburgh's needle exchange program will bring greatly needed resources to a community that is especially impacted by drug use. According to the City of Pittsburgh's Opioid Overdose Dashboard, the Central Business District has a significant concentration of people using a variety of drugs and experiencing opioid overdoses. Our proposed location is easily accessible to people in the Central Business District in addition to individuals in the Uptown neighborhood, which is another area experiencing high rates of drug use and opioid overdose. The proposed location is also located blocks away from Allegheny County Jail. Individuals with substance use disorder are at especially high risk of an opioid overdose after they are released from jail and providing more direct access to harm reduction services will help reduce overdose deaths in this especially vulnerable population.³ Finally, the proposed location would operate across the street from Second Avenue Commons, a low-barrier shelter set to open its doors this summer. People experiencing homelessness lack access to traditional healthcare resources, experience higher rates of drug use, are nine times more likely to die from an overdose compared to those who are stably housed.⁴ Placement of a syringe service program across the street from Second Avenue Commons would complement the comprehensive services provided by the shelter ensuring people experiencing homelessness can readily access these services. The location is also accessible by buses countywide and has reserved parking. The selection of Monday as a day of operation is to complement Prevention Point Pittsburgh's existing hours of needle exchange services in Allegheny County (Sunday - East Liberty, Tuesday - Perry Hilltop, Wednesday - Hill District, Thursday - Overbrook, Friday - Homewood). We are open to increasing the hours and days of operation based on Health Department data, community needs, and partner organization feedback.

The program will be funded through American Rescue Plan Act and City of Pittsburgh general fund allocations to the Office of Community Health & Safety. This application is specifically for the aforementioned address, operated by the City of Pittsburgh.

With a multitude of factors contributing to the resurgence of drug overdose related deaths, increasing rates of HIV and Hepatitis C, and ongoing need for additional connections to harm reduction and recovery resources, it is imperative that we take every opportunity to strengthen supports for people who use drugs. The City of Pittsburgh asks that the Allegheny County Board of Health consider our application to operate a needle exchange program. In addition to this letter, we are including a set of policies and procedures (Appendix B) required by Allegheny County Health Department regulations for needle exchange programs. Please let me know if additional information is need.

Sincerely,



Laura M. Drogowski
Manager, Office of Community Health & Safety
City of Pittsburgh

APPENDIX A: Key Individuals

First Name	Last Name	Role	Address	SSN (last 4 digits)
Laura	Drogowski	Manager, Office of Community Health & Safety	1655 Fifth Avenue Apt. 603 Pittsburgh, PA 15219	5579
Joshua	Schneider	Overdose Prevention Coordinator, Office of Community Health & Safety	5500 Margaretta Street, Apt. 203 Pittsburgh, PA 15206	3721
Shelia	Roth	Continuum of Support Program Manager, Office of Community Health & Safety	224 South Homewood Ave Pittsburgh, PA 15208	4082
Chad	Hirosky	Lieutenant, Pittsburgh Bureau of Fire PBF Liaison to the Office of Community Health & Safety	4737 Lougean Avenue Pittsburgh, PA 15207	2518
John	Mooney	Crew Chief, Pittsburgh Bureau of EMS EMS Liaison to the Office of Community Health & Safety	4701 Theodore Street Homestead, PA 15120	0216

¹ <https://www.health.pa.gov/topics/programs/HIV/Pages/Annual-Summary.aspx>

² <https://data.pa.gov/Opioid-Related/Annual-Rate-of-Newly-Diagnosed-Cases-of-Hepatitis-/hquh-9zuy>

³ https://www.alleghenycounty.us/uploadedFiles/Allegheny_Home/Health_Department/Programs/Special_Initiatives/Overdose_Prevention/Opiate-Related_Overdose_Deaths_in_Allegheny_County.pdf

⁴ <https://nhchc.org/wp-content/uploads/2019/08/nhchc-opioid-fact-sheet-august-2017.pdf>

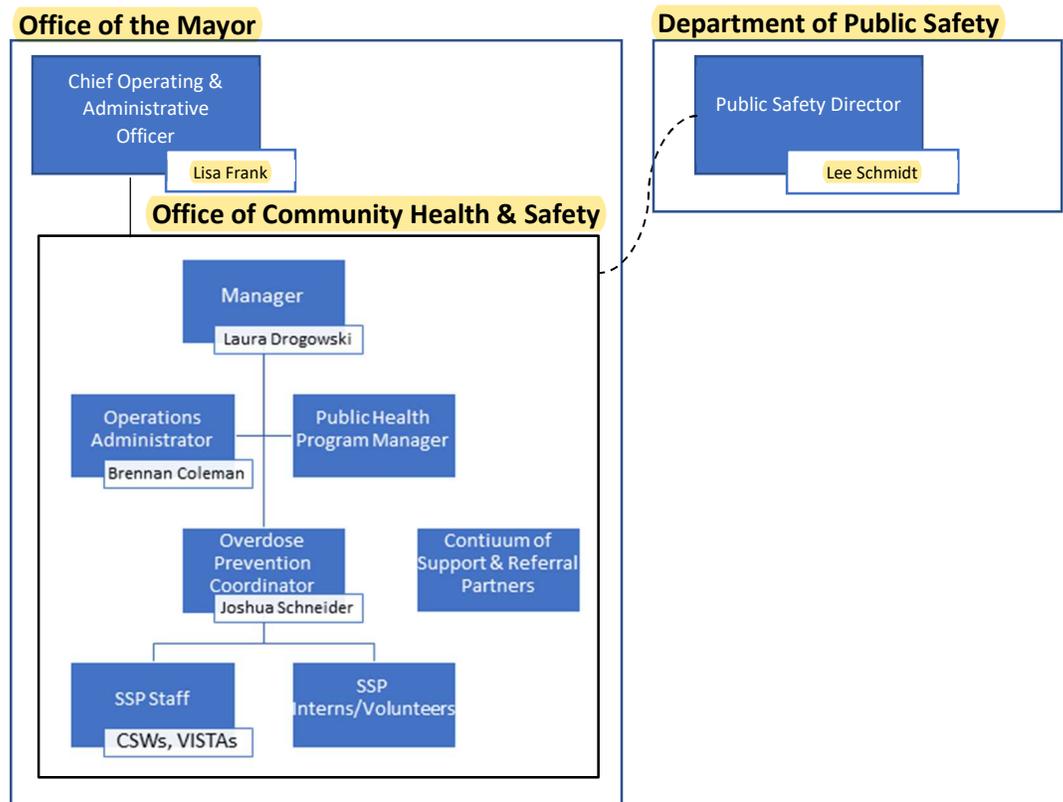
APPENDIX B: Standard Operating Procedures

	Office of Community Health & Safety	Subject	Organizational Structure
	Public Health Program	SOP #	101.01
	Syringe Service Program	Implementation Date	01/29/2022
		Last Reviewed/ Updated Date	04/12/2022
	Approval Date		

PURPOSE: To define the organizational and reporting structure of the Syringe Service Program (SSP).

POLICY STATEMENT: The SSP shall be overseen and operated by the staff of the Office of Community Health and Safety. The organizational and reporting structure of the SSP shall operate as outlined in this policy.

POLICY:



Administrative decisions for the SSP shall be made by the OCH&S Manager and Public Health Program Manager. The day-to-day operations of the SSP will be overseen by the Overdose Prevention Coordinator. The Overdose Prevention Coordinator and Public Health Program Manager will oversee SSP operations, staffing, inventory, and execution of policies. The Operations Administrator shall work with the Overdose Prevention Coordinator to coordinate purchasing, staff, and other operational needs.

SSP key individuals¹ include the Overdose Prevention Coordinator, SSP staff, and SSP interns and volunteers. SSP staff include anyone designated by the OCH&S Manager and/or Public Health Program Manager, including, but not limited to, Community Social Workers, OCH&S Public Safety Liaisons, and AmeriCorps VISTA members.

Continuum of Support staff and other referral partners do not fall within the primary reporting structure; however, they serve an important role in service to SSP program participants.

REVISION HISTORY

Date Proposed	Date Approved	Action	Taken By	Notes
2022-04-12	N/A	Org chart clarification	L. Drogowski	

	Office of Community Health & Safety	Subject	Definitions
	Public Health Program	SOP #	101.02
	Syringe Service Program	Implementation Date	01/29/2022
		Last Reviewed/Updated Date	01/29/2022
	Approval Date		

PURPOSE: To define specific terms used throughout SOPs 101 and to ensure compliance with Allegheny County Health Department rules and regulations, specifically Chapter 851 of the Allegheny County Code.

POLICY STATEMENT: The following terms, when used in SOPs relating to the Office of Community Health and Safety Syringe Service Program (SSP), have the meanings indicated in this policy, except where context indicates a clearly different meaning.

DEFINITIONS:

Biohazard Containers: Approved, limited access, puncture-proof receptacles to be used for the safe storage of used needles or sharps

Board of Health: The Allegheny County Board of Health.

Department: The Allegheny County Health Department.

Director: The Director of the Allegheny County Health Department or his or her authorized representative.

Infectious Disease Screening or IDS: Testing blood or other tissue for HIV and Hepatitis B and C, by a Clinical Laboratory Improvement Amendments (CLIA) approved method.

Injection Apparatus: Syringes, needles, and alcohol wipes.

Key Individuals: Individuals with actual authority over the day-to-day operations of needle exchange programs.

Syringe Exchange Program: A public or private enterprise with the goal of reducing the incidence of infectious disease transmission among program participants, their sexual partners, and their offspring, approved by the Board of Health, through the provision of education on safe practices, counseling opportunities, clean injection apparatus, biohazard containers, and condoms or other barrier methods of preventing sexually transmitted diseases.

Person: Any natural person, corporation, partnership or association.

Program Location: The specific address at which a needle exchange program provides any materials or services to any program participant(s), whether inside a building or at a temporary facility, including, but not limited to, tents, outdoor tables, or mobile facilities.

Program Participant: Any individual receiving services, materials, or referrals from a needle exchange program.

REVISION HISTORY

Date Proposed	Date Approved	Action	Taken By	Notes

	Office of Community Health & Safety	Subject	Program Participant Identification
	Public Health Program	SOP #	101.03
	Syringe Service Program	Implementation Date	01/29/2022
		Last Reviewed/Updated Date	01/29/2022
	Approval Date		

PURPOSE: To establish a system for creating, assigning, and maintaining a unique identifier for each program participant.

POLICY STATEMENT: During their initial encounter with the Office of Community Health and Safety Syringe Service Program (SSP), each program participant shall be enrolled with a unique identifier.

DEFINITIONS:

Unique Identifier: A code that is unique to each individual program participant and used to track program participant information, encounters, services provided, and other important information.

POLICY: At the beginning of a program participant’s initial encounter with the SSP, SSP staff must assign the program participant a unique identifier. The formula for creating a unique identifier is as follows:

- The first two letters of the program participant’s mother’s first name
- The program participant’s day and year of birth

Example 1: John Doe visits the SSP for the first-time seeking syringes for active intravenous drug use. John Doe was born on July 12th, 1986, and his mother’s name is Jessica. The unique identifier for John Doe would be JE121986.

Example 2: Eliza Smith visits the SSP for the first-time seeking naloxone and fentanyl test strips. Eliza Smith was born on October 4th, 2000, and her mother’s name is Michelle. The unique identifier for Eliza Smith would be MI42000.

Once assigned, the program participant’s unique identifier should be recorded in the documentation system and linked with all information pertaining to their interactions with the SSP. This includes, but is not limited to, program participant information (e.g., gender, race/ethnicity), the date and time of each encounter, services provided at each encounter, and service referrals.

REVISION HISTORY

Date Proposed	Date Approved	Action	Taken By	Notes

	Office of Community Health & Safety	Subject	Program Participant Data
	Public Health Program	SOP #	101.04
	Syringe Service Program	Implementation Date	01/29/2022
		Last Reviewed/Updated Date	01/29/2022
	Approval Date		

PURPOSE: To enumerate and describe the information that Syringe Service Program (SSP) staff must attempt to elicit from program participants.

POLICY STATEMENT: SSP staff shall not provide services before attempting to elicit the program participant’s age, gender, self-reported race/ethnicity, zip code, and disease status.

DEFINITIONS:

Disease Status: The program participant’s HIV, Hepatitis B, and/or Hepatitis C status.

Gender: The program participant’s self-reported gender identity which may or may not correspond to the program participant’s physiology or designated sex at birth. All gender identities and expressions fall under this definition.

POLICY: At the beginning of each interaction with a program participant, SSP staff are required to attempt to elicit the following information:

- Age in years
- Gender
- Self-reported race
- Zip code
- Disease status

SSP staff shall not provide services before attempting to elicit this information. Provision of services are not dependent on the program participant providing the requested information. During an initial interaction with a new program participant who does not yet have a unique identifier, SSP staff should prioritize the collection of all information listed in this policy. During an interaction with a program participant who already has a unique identifier assigned, SSP staff should prioritize collection of information that may be subject to change, including but not limited to, zip code and disease status.

SSP staff should record information in the SSP documentation system. Information for each program participant should be updated in the documentation system needed at each successive interaction.

SSP staff should record the program participant’s self-reported race/ethnicity. If possible, SSP staff should attempt elicit whether the program participant identifies as any of the following:

- White, Hispanic
- White, Non-Hispanic
- Black or African American
- American Indian or Alaska Native
- Asian
- Native Hawaiian or Other Pacific Islander

When collecting information from the program participant, SSP staff should use whatever means necessary to ensure the program participant’s information remains confidential.

REVISION HISTORY

Date Proposed	Date Approved	Action	Taken By	Notes

	Office of Community Health & Safety	Subject	Encounter Documentation
	Public Health Program	SOP #	101.05
	Syringe Service Program	Implementation Date	01/29/2022
		Last Reviewed/Updated Date	01/29/2022
	Approval Date		

PURPOSE: To specify documentation standards and requirements for each program participant encounter with the Syringe Service Program (SSP).

POLICY STATEMENT: Each SSP encounter shall be documented with the program participant’s unique identifier and shall include the elements indicated in this policy.

DEFINITIONS:

Encounter: A documented, face-to-face contact between SSP staff and a program participant.

POLICY: Each encounter where SSP services are provided must be documented with the unique identifier and the date and time of the encounter. The person documenting the encounter and all individuals providing materials or services to any program participant shall provide their initials. Documentation shall be retained indefinitely, but not less than three years.

As stated in SOP 101.07, each program participant shall be offered a referral to treatment and counseling services at each encounter. The referral offer, regardless of the program participant’s response, must be documented with the initials of the person who made the referral. The program participant’s response and any services to which the program participant is referred must be documented.

Each encounter must be recorded in the SSP documentation system not more than 24 hours after the end of the encounter.

REVISION HISTORY

Date Proposed	Date Approved	Action	Taken By	Notes

	Office of Community Health & Safety	Subject	Service Referral
	Public Health Program	SOP #	101.06
	Syringe Service Program	Implementation Date	01/29/2022
		Last Reviewed/Updated Date	01/29/2022
	Approval Date		

PURPOSE: To specify how and when a service referral should be made and how service referrals should be documented.

POLICY STATEMENT: A service referral should be made when the immediate and long-term health and safety needs of a program participant cannot be met by the Syringe Service Program (SSP). A service referral must be made under the circumstances described in this policy.

DEFINITIONS:

Service Referral: When a program participant is connected to a service provider such as a healthcare organization, non-profit organization, government entity, or other service provider who is not a key individual currently staffing the SSP, for the purposes of meeting the immediate and long-term health and safety needs of the program participant that cannot be met by the SSP.

POLICY: Program participants not known to be infected with HIV, or Hepatitis B or C infections at first screening shall be offered testing at the first visit that is at least six months from the date of first screening. Program participants with one of more symptoms of HIV or Hepatitis B or C shall be informed that they should follow up immediately with their primary care provider or the Allegheny County Health Department. Program participants must be counseled on safe sex practices.

Each program participant shall be offered a referral to drug treatment and counseling services at each encounter. Such referral shall be documented as outlined in SOP 101.06.

When making a service referral, SSP staff should assess if the program participant is currently aligned with a provider. If the patient is not currently aligned with a provider that is able to meet their specific need necessitating a service referral, SSP staff should refer the patient to a service or provider that is geographically appropriate, works with people who use drugs, and can appropriately accommodate the needs of the program participant.

REVISION HISTORY

Date Proposed	Date Approved	Action	Taken By	Notes

	Office of Community Health & Safety	Subject	Supplies Distribution
	Public Health Program	SOP #	101.07
	Syringe Service Program	Implementation Date	01/29/2022
		Last Reviewed/Updated Date	01/29/2022
	Approval Date		

PURPOSE: To manage and direct the distribution of Syringe Service Program (SSP) supplies.

POLICY STATEMENT: SSP staff shall distribute supplies to participants as outlined in this policy.

DEFINITIONS:

Supplies: Any injection apparatus, harm reduction equipment, or other materials used to provide for the health, safety, and wellbeing of program participants.

POLICY: At each encounter, program participants will inform SSP staff of the supplies they are requesting. SSP staff will retrieve and compile the supplies and give it to the program participant. SSP staff should inform program participants of the available supplies and attempt to provide education on supplies with which the program participant in not familiar.

All SSP supplies will be distributed to program participants at no cost.

For purposes of semiannual reporting to the Director of the Allegheny County Health Department, SSP staff must document the number of injection apparatus distributed independent of a program participant’s unique identifier.

The number of injection apparatus and biohazard containers dispensed shall be no more than are reasonably necessary for one month’s worth of injections for each unique identifier.

SSP services and supplies shall be primarily for the use of Allegheny County residents, but nonresidents may participate if there are available resources.

REVISION HISTORY

Date Proposed	Date Approved	Action	Taken By	Notes

	Office of Community Health & Safety	Subject	Reporting
	Public Health Program	SOP #	101.08
	Syringe Service Program	Implementation Date	01/29/2022
		Last Reviewed/Updated Date	01/29/2022
	Approval Date		

PURPOSE: To establish reporting requirements for the Syringe Service Program (SSP).

POLICY STATEMENT: The Office of Community Health and Safety shall prepare and submit semiannual reports to the Director of the Allegheny County Department of Health as outlined in this policy.

DEFINITIONS:

POLICY: The Office of Community Health and Safety shall submit to the Director of the Allegheny County Department of Health semiannual reports of the disease status of all enrolled program participants on or before December 31 and July 1 of each calendar year, in a form to be determined by the Allegheny County Board of Health, but which shall include at least: the number of encounters; the number of individual participants; the total number of injection apparatus; the number of treatment referrals made; the number of infectious disease tests performed.

REVISION HISTORY

Date Proposed	Date Approved	Action	Taken By	Notes

	Office of Community Health & Safety	Subject	Compliance With Laws, Regulations, and Other Policies
	Public Health Program	SOP #	101.09
	Syringe Service Program	Implementation Date	01/29/2022
		Last Reviewed/Updated Date	01/29/2022
	Approval Date		

PURPOSE: To highlight compliance with specific laws and regulations, and to affirm adherence to the laws, regulations, and other policies of the appropriate governing entities.

POLICY STATEMENT: The Office of Community Health and Safety Syringe Service Program (SSP) shall adhere to the laws and regulations outlined in this policy, the laws and regulations of Allegheny County, and the policies of the City of Pittsburgh.

DEFINITIONS:

POLICY: All individuals involved in the operations of the SSP must adhere to the regulations set forth by the Allegheny County Department of Health, specifically those stipulated in Chapter 851 of the Allegheny County Code.

The SSP will operate with the consent of the Mayor of the City of Pittsburgh and Pittsburgh City Council.

REVISION HISTORY

Date Proposed	Date Approved	Action	Taken By	Notes

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

**RESOLUTION APPROVING THE PROPOSAL TO
OPERATE A SYRINGE SERVICES PROGRAM
AT THE LOCATION 611 SECOND AVENUE
IN THE CITY OF PITTSBURGH**

WHEREAS, Article II of the Allegheny County Health Department Rules and Regulations (Needle Exchange Programs for Communicable Disease Prevention and Providing Drug Treatment Options) was adopted in 2008, and,

WHEREAS, the purpose of Article II, as adopted, is to promote the health, safety and welfare of our community through the safe distribution of clean injection apparatus and biohazard containers, and

WHEREAS, Article II calls for the Allegheny County Health Department (ACHD) to review proposals for the operation of needle exchange programs, which are now more frequently referred to as syringe services programs, and,

WHEREAS, Article II requires Allegheny County Board of Health approval of any proposal for the operation of needle exchange programs in Allegheny County, and,

WHEREAS, the ACHD has reviewed the proposal submitted by the City of Pittsburgh and agrees that the City of Pittsburgh has met the basic requirements as laid out in Article II, and,

WHEREAS, in February the Council of the City of Pittsburgh authorized the Office of Mayor Gainey to submit this proposal, and,

WHEREAS, the City of Pittsburgh has confirmed both in their proposal and in conversation that they do not intend to operate secondary needle exchange services and that all services will take place at the site known as 611 Second Avenue,

NOW, THEREFORE, BE IT RESOLVED the Allegheny County Board of Health does hereby approve the proposal as submitted by the City of Pittsburgh.



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