

**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" 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. A**t least 6 inches above the floor;

**2. I**n a clean, dry location;

**3. in a way that Protected** 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 Not** 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  $\pm 23^\circ\text{F}$  or  $\pm 1.5^\circ\text{C}$  convenient to the sink that can be used for frequent checks of water temperature; and

3. Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, **utensils** and equipment in the hot water.

**E. Fixed equipment and utensils too large to be cleaned in a sink compartment shall be cleaned and sanitized manually, through pressure spray methods, in a warewashing machine, or an alternative method as specified in § 4-301.12 of the MFC 311.5.**

**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 **sanitization** 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** **C.** Ventilation systems designed for installation over cooking and dishwashing equipment shall be **installed and maintained in accordance with the most current International Mechanical Code and Fire Code adopted by the Commonwealth of Pennsylvania and as directed by the Local Municipality in which the facility is located.** provided with approved ventilating hoods and ducts, blowing devices, fans or other mechanical means. These ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces. Filters, where used, shall be readily removable for cleaning or replacement.~~

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

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

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

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

#### **SECTION 314.322. LIGHTING**

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

~~A. At least ~~20~~ **50** foot candles of light from a permanently fixed artificial source shall be provided to **at a surface where a food worker is working with food or working with utensils or equipment, such as knives, slicers, grinders or saws where food worker safety is a factor.** work levels of all food preparation surfaces, equipment or utensil washing areas and equipment and utensil storage areas, and restrooms.~~

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

~~**C****B.** 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.**

**D8. 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; cleaning **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  $45^{\circ}\text{F}$  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  $\pm 40$  **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 **Wwastewater** 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.

### **340.4 328.43 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, 340.4 328.4(B) and 340.4 328.4(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 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 ~~3-201.11(C)~~ of the MFC; and**

**2. Be tamper evident.**

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

**342.3 Vending Machines**

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

**1. There is a power failure, mechanical failure, or other condition that results in failure of the equipment to maintain food temperatures as specified under § 332 of this Article; and**

**2. Where a condition specified in subparagraph (1) of this subsection occurs, until the equipment is serviced and restocked with food that has been maintained at temperatures specified under § 332 of this Article.**

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

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

**ADMINISTRATIVE PROCEDURES AND REMEDIES**

**SECTION 343. ~~337.~~ ADMINISTRATIVE PROCEDURES SUSPENSION OF A FOOD PERMIT - IMMINENT HEALTH HAZARD**

**337.1 Summary Suspension / Imminent Hazard**

**A. If the Director ~~Department~~ finds there is an imminent health hazard imminent danger to the public health the food permit shall immediately be**

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

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

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

#### **SECTION 344. 337-2 SUSPENSION and Reinstatement OF the A FOOD PERMIT - NON-IMMINENT HAZARD**

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

**B.** The **food** permit suspension shall not become effective until an opportunity for a pre-suspension hearing has been afforded to the holder of the permit. The pre-suspension hearing notice shall contain the violations, and where applicable, any corrective action which must be taken and the time within which such corrections must be completed. The Director **Department** shall fix **schedule** a hearing no sooner than six (6) days from the date of mailing of the notice of pre-suspension hearing unless the Director **Department** and the applicant both agree to a hearing at an earlier date. If the permit holder fails to appear at the hearing, the suspension shall become effective on the date fixed for **of** the hearing; otherwise, the suspension shall become effective at such time as may be fixed by the Director **Department**. Upon suspension or revocation of a permit, the Director shall immediately post a notice of permit suspension or revocation in plain view at all customer entrances to the premises. Such notice shall not be concealed or removed. Removal shall be only at the direction of the Department. It shall be unlawful to operate any food facility with a suspension permit.

**B.** The suspension shall not become effective until written notice of the proposed suspension has been served in the following manner:

1. By handing a copy to the Person in Charge; or
2. By sending a copy to the permit holder's last known address by regular mail; or
3. By posting a copy in a conspicuous place in or about the facility.

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

#### **SECTION 345. REINSTATEMENT OF A HEALTH PERMIT**

**A-D.** A **food** permit which has been suspended shall be reinstated if the person whose **food** permit has been suspended completes the corrective action as required by the ~~Director~~ **and provides the Food Safety Program with a written request for an inspection.** The **food** permit may only be reinstated following a **Food Safety Program** inspection of the premises and written approval by the ~~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~~ **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~~ **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 ~~§~~ 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<sub>w</sub> – 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, quinea, 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:**

<b>Table A</b>			
<b><u>Food that is heat-treated to destroy vegetative cells and subsequently packaged</u></b>			
<b><u><math>a_w</math> values</u></b>	<b><u>pH values</u></b>		
	<b><u>4.6 or less</u></b>	<b><u>&gt;4.6 - 5.6</u></b>	<b><u>&gt;5.6</u></b>
<b><u><math>\leq 0.92</math></u></b>	<b><u>non-TCS*</u></b>	<b><u>non-TCS</u></b>	<b><u>non-TCS</u></b>
<b><u>&gt;.092 - .95</u></b>	<b><u>non-TCS</u></b>	<b><u>non-TCS</u></b>	<b><u>PA***</u></b>
<b><u><math>\geq .95</math></u></b>	<b><u>non-TCS</u></b>	<b><u>PA</u></b>	<b><u>PA</u></b>
<b><u>* TCS means Time and Temperature Controlled for Safety Food</u></b>			
<b><u>***PA means Product Assessment required</u></b>			

<b>Table B</b>	
<b><u>Food that is not heat-treated, or heat treated but not packaged</u></b>	
<b><u><math>a_w</math> values</u></b>	<b><u>pH values</u></b>

	<u>&lt;4.2</u>	<u>4.2 – 4.6</u>	<u>&gt;4.6 – 5.0</u>	<u>&gt;5.0</u>
<u>&lt;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>&gt;0.90 – 0.92</u>	<u>non-TCS</u>	<u>non-TCS</u>	<u>PA</u>	<u>PA</u>
<u>&gt;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**

<b>Temperature</b>	<b>Cleaning Frequency</b>
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**

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

### **354.3 Cooking Times and Temperatures**

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

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