

RULES AND REGULATIONS

ARTICLE III FOOD SAFETY



542 4th Avenue
Pittsburgh, PA 15219
412.687.ACHD (2243)

www.achd.net

Effective 01/01/2000
Amended 02/07/2015
Amended 03/20/2017

Allegheny County Health Department
ARTICLE III. FOOD SAFETY

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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.

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

This Article provides for the regulation of food operations in restaurants and eating establishments, hospitals, nursing homes, personal care homes, schools, retail stores, food processors, caterers, warehouses, temporary and seasonal food stands, mobile food units, and other similar food facilities which provide food to the public. Farms which provide unprocessed food to the public are exempt from this Article.

SECTION 301. FOOD SUPPLIES

301.1 General

All food and beverages shall be in sound condition; at required temperatures, and under refrigeration if applicable; free from spoilage, filth, adulterants or other contamination; and shall be safe for human consumption. All processed foods shall be obtained from food processors that are inspected and licensed by a regulatory authority.

301.2 Special Requirements

- A. The use of food in hermetically sealed containers that was not prepared in a food processing establishment is prohibited.
- B. Fluid milk and fluid milk products used, or served, or offered for sale shall be pasteurized and shall meet the Grade A quality standards as established by law. 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.
- C. 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. Shucked shellfish shall be kept in the container in which they were received until used or repacked or sold.

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 or accurate record shall be kept for 90 days and be made available for inspection by the Department.

The repacking of shucked shellfish, breaking down of shellstock lots or shucking-repacking of shellfish shall be conducted in accordance with appropriate

laws. The required records shall be kept for examination by the Department for 90 days.

- 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 41°F or below.
- 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.

SECTION 302. FOOD PROTECTION

302.1 General

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, unclean equipment and utensils, unnecessary handling, flooding, draining, and overhead leakage or condensation, or other agents of public health significance. The temperature of potentially hazardous food shall be maintained at 41°F or below, or 135°F or above, at all times, except as otherwise provided in this Article.

302.2 Emergency Occurrences

In the event of a fire, flood, power outage of two or more hours, alleged foodborne or waterborne illness outbreak of two or more people, 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 occurrence, the Department shall take whatever action deemed necessary to protect the public health.

SECTION 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 and whole, unprocessed raw fruits and vegetables may be stored uncovered. Container covers shall be impervious and non-absorbent, except that 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

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 easily movable 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, 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 potentially hazardous 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.
- 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 cooking oil, syrup, salt, sugar, or flour not stored in the product container or package in which it was obtained, shall be stored in a container identifying the food by its common English name.

303.3 Refrigerated and Frozen Storage

- A. Enough conveniently located refrigeration units or effectively insulated units shall be provided to assure the maintenance and cooling of potentially hazardous food at required temperatures. Each refrigerated unit storing potentially hazardous food shall be provided with a numerically scaled indicating or recording thermometer, accurate to $\pm 2^{\circ}\text{F}$ located to measure the air temperature in the warmest part of the unit and located to be easily readable.
- B. Potentially hazardous food requiring refrigeration shall be held at or below 41°F .
- C. Frozen food shall be stored at a temperature of 0°F or at a temperature below 32°F that assures the product remains 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 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.

303.4 Hot Storage

- A. Enough conveniently located hot food storage units shall be provided to assure the maintenance of potentially hazardous food at the required temperature during storage. Each hot food unit storing potentially hazardous food shall be provided with a numerically scaled indicating or recording thermometer, accurate to $\pm 2^{\circ}\text{F}$, located to measure the air 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 requiring hot storage shall be 135°F or greater.

SECTION 304. FOOD PREPARATION

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.
- B. Food 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.

304.2 Raw Fruits and Raw Vegetables

Raw fruits and vegetables shall be thoroughly washed with potable water before being cooked, cut, or served. Melons, 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.

304.3 Cooking Potentially Hazardous Food

- A. Potentially hazardous 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, shall be cooked to heat all parts of the food to 165°F or above for 15 seconds.
 2. Ground beef products and other comminuted meat or fish such as gyros, sausage, and gefilte fish shall be cooked to heat all parts of the food to 155°F or above for 15 seconds.
 3. Beef roasts and pork roasts shall be cooked to an internal temperature of 145°F for 3 minutes or to 130°F for 112 minutes. Alternative cooking times and temperatures may be approved by the Director. Beef steak shall be cooked on both the top and bottom to a surface temperature of 145°F or above and a cooked color change is achieved on all external surfaces.
 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:
 5. *Disclosure* is satisfied when:
 - i. Items are described, such as:
 - (a) Oysters on the half-shell (raw oysters),
 - (b) Raw-egg Caesar salad, and
 - (c) Hamburgers (can be cooked to order); or
 - ii. Items are asterisked to a footnote that states that the items:
 - (a) Are served raw or undercooked, or
 - (b) Contains (or may contain) raw or undercooked ingredients.
 6. *Reminder* is satisfied when the items requiring disclosure are asterisked to a footnote that states:
 - i. Regarding the safety of these items, written information is available upon request; or
 - ii. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness; or
 - iii. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.
- 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. Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of at least 135°F.

304.4 Cooling Potentially Hazardous Food

- A. Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of 41°F, or below. Potentially hazardous food shall be rapidly cooled, utilizing such methods as:
 - 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. 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.

304.5 Reheating

- A. Previously cooked potentially hazardous food shall be rapidly reheated within two hours to 165°F 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 are prohibited for the rapid reheating of potentially hazardous food.
- B. Commercially canned, intact packaged foods shall be reheated to a minimum of 135°F unless otherwise ordered by the Director.
- C. 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.

304.6 Product Thermometers

Metal stem-type numerically scaled indicating thermometers or other approved temperature measuring devices, properly calibrated and accurate to $\pm 1^{\circ}\text{F}$, shall be provided and used to assure the attainment and maintenance of proper internal cooking, reheating, holding, or refrigeration temperatures of all potentially hazardous food. Such thermometers shall provide a minimum range of 0°F - 220°F .

304.7 Thawing Potentially Hazardous Food

Potentially hazardous food shall only be thawed:

1. In refrigerated units at a temperature not to exceed 41°F ; or
2. Under potable running water at a temperature of 70°F or below, with sufficient water velocity to agitate and float off loose food particles into the overflow; or
3. In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
4. As part of the conventional cooking process.

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.

304.10 Highly Susceptible Populations

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

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, egg nog, 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. Food in an unopened original package may not be reserved.
- C. Prepackaged juice or a prepackaged beverage containing juice that is not pasteurized, which bears a warning label, shall not be served.
- D. The following foods may not be served or offered for sale in a ready-to-eat form:
1. Raw animal foods such as raw fish, raw-marinated fish, raw mollusk and shellfish, and steak tartar,
 2. A partially cooked animal 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.

SECTION 305. FOOD DISPLAY AND SERVICE

305.1 Potentially Hazardous Food

- A. Potentially hazardous food shall be kept at an internal temperature of 41°F or below or at an internal temperature of 135°F or above 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.

305.2 Time as a Public Health Control

- A. If time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for 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 maintained in the food establishment and made available to the Department upon request.
- B. In a food 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.

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 to this is where whole, unprocessed raw fruits, raw vegetables, or whole raw fish are displayed for sale.
- B. Enough hot or cold food units shall be provided to assure the maintenance of potentially hazardous food at the required temperature during display.
- C. Potentially hazardous food shall not be provided for consumer self-service other than at a properly protected buffet or salad bar type operation.

305.4 Reuse of Tableware

- A. Reuse of soiled tableware is prohibited. Clean plates, bowls, and/or single service articles must be used each time a customer returns to the service area. Beverage cups and glasses are exempt from this requirement.
- B. Food facilities must post a sign prohibiting the reuse of plates or bowls by customers in salad bar or similar self-service areas.

305.5 Dispensing Utensils

- A. To avoid unnecessary manual contact with food, suitable dispensing utensils and/or single-service articles shall be used by employees 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; or
 3. in running potable water; or
 4. in a running potable water dipper well.

305.6 Condiment Dispensing

- A. Sugar, condiments, seasonings, and dressings for self-service or table counter service, shall be provided in individual packages, from dispensers, or from containers protected in accordance with this Article.
- B. Ketchup and other sauces may be served in the original container or a pour-type dispenser.

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.
- B. Ice dispensing utensils for use by employees 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 **Plumbing Code**.

305.8 Re-Service of Food

Once served to a consumer, portions of left-over food shall not be served again. However, packaged food, other than potentially hazardous food, that is still packaged and is still in sound condition, may be re-served.

SECTION 306. FOOD TRANSPORTATION

306.1 General

The requirements for storage, display, and general protection against contamination, as contained in this Article shall apply in the transporting of all food from a food facility to another location for service or catering operations. All potentially hazardous food shall be kept at 41°F or below, or 135°F or above, during transportation. Adequate and approved equipment must be used for maintaining food product temperatures.

306.2 Food Protection

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

SECTION 307. PERSONAL CLEANLINESS AND EMPLOYEE PRACTICES

307.1 General

Employees engaged in food preparation and warewashing operations and service shall thoroughly wash their hands and the exposed portions of their arms with soap or detergent and warm water before starting work; after tobacco or e-cigarette use; handling garbage or soiled tableware or kitchenware; coughing, sneezing, touching the mouth, nose or hair; eating; using the toilet; before and after handling raw meat, raw poultry or raw seafood, or any other potentially hazardous food; and as

often as is necessary during work to keep them clean. The use of clean disposable gloves and hand sanitizers shall not be a substitute for hand washing. Single use disposable gloves shall be changed as often as necessary in accordance with the requirements listed above for hand washing.

307.2 Tobacco and E-Cigarette Use

Employees shall not use tobacco or e-cigarettes in any form while engaged in food preparation or service, while in areas used for food preparation, or equipment and utensil washing areas.

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.

307.4 Handling Tableware

Employees shall handle soiled tableware in a way that minimizes contamination of their hands and of clean tableware.

307.5 Clothing

The outer clothing of all employees shall be clean.

307.6 Hair Restraints

Employees shall use effective hair restraints when necessary to prevent the contamination of food or food-contact surfaces.

307.7 Approved Handwash Sinks

Handwashing is not permitted in sinks used for food preparation or for washing equipment or utensils.

SECTION 308. PERMISSIBLE EQUIPMENT AND MATERIALS

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 articles shall be made from clean, sanitary, safe materials. Equipment, utensils, and single-service articles shall not impart odors, color or taste, nor contaminate food in any other manner.

308.2 Solder

If solder is used, it shall be lead-free, composed of safe materials, and be corrosion resistant.

308.3 Wood

Hard maple or equivalent nonabsorbent wood that meets the general requirements set forth in the above sections of this Article may be used for cutting boards, bakers' tables and salad bowls. 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 treated lumber or other similar material is prohibited on exposed surfaces in food preparation, food storage, and utensil washing areas.

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 ware-washing methods, and which meet the general requirements set forth in previous sections of this Article, are permitted for repeated use.

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.

308.6 Single-service Articles

Single-service articles shall not be reused.

308.7 Mollusk and Crustacea

The reuse of mollusk and crustacea shells as food containers is prohibited.

SECTION 309. EQUIPMENT AND MATERIALS DESIGN AND FABRICATION

309.1 General

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, and crazing. 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.

- 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. Threads shall be designed to facilitate cleaning; ordinary "V" type threads are prohibited in food-contact surfaces, except that in equipment such as ice makers, hot oil cooking equipment, or hot oil filtering systems, such threads shall be minimized.

- 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 the U.S. Food and Drug Administration in the Code of Federal regulations. Tubing conveying beverages or beverage ingredients to dispensing heads may be in contact with stored ice: provided that such tubing is fabricated from safe materials, is grommited at entry and exit points to preclude condensation from entering the ice machine or the ice storage bin, and is kept clean. Drainage or drainage tubes from dispensing units shall not pass through the ice machine or the ice storage bin.
- C. Sinks and drain boards shall be sloped to drain and be self-draining. All utensil sinks must have at least one properly installed drainboard.

309.2 Accessibility

Unless designed for in-place cleaning, 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 mallets, screwdrivers, or open-end wrenches which are kept near the equipment.

309.3 In-Place Cleaning

Equipment intended for in-place cleaning shall be so designed and fabricated that:

- A. Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and
- B. Cleaning and sanitizing solutions will contact all interior food-contact surfaces; and
- C. The system is self-draining or capable of being completely evacuated.

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, 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 #96.

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.

SECTION 310. EQUIPMENT INSTALLATION AND LOCATION

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 lines, water lines that are leaking, water lines on which condensed water may accumulate, 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 employees to perform their duties without contaminating food and food-contact surfaces.

310.2 Installation

- A. Table-mounted equipment
 - 1. Table-mounted equipment shall be installed to permit cleaning of the equipment and adjacent areas.
 - 2. Table-mounted equipment, unless portable, shall be sealed to the table or elevated on legs that provide at least a 4-inch clearance between the table and the equipment.
- B. Floor-mounted equipment
 - 1. Floor-mounted equipment, unless easily movable, shall be sealed to the floor or elevated on legs that provide at least a 6-inch clearance between the floor and the equipment.
 - 2. Display shelving units, refrigeration units, and freezer units are exempt from this requirement if they are installed so that the floor beneath the units can be cleaned.
- C. Spacing for fixed equipment. Unless there is space that will permit employee 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 311. EQUIPMENT AND UTENSIL CLEANING

311.1 Handling

Cleaned and sanitized equipment and utensils shall be handled 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.

311.2 Storage

- A. Cleaned and sanitized utensils and equipment shall be stored at least 6 inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food-contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law.
- B. 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 or consumer. Unless tableware is prewrapped, 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.

311.3 Single-Service 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.
- B. Single-service articles shall be handled and dispensed in a manner that prevents contamination of surfaces which may come in contact with food or with the mouth of the user.
- C. Single-service knives, forks and spoons packaged in bulk shall be inserted into holders or be wrapped by employees who have washed their hands immediately prior to sorting or wrapping the utensils. Unless single-service knives, forks and spoons are prewrapped or prepackaged, holders shall be provided to protect these items from contamination and present the handle of the utensil to the consumer.

311.4 Prohibited Storage Area

The storage of food equipment, utensils or single-service articles in toilet rooms or their vestibules, garbage rooms or mechanical rooms is prohibited.

SECTION 312. CLEANING AND SANITIZING OF EQUIPMENT AND UTENSILS

312.1 Cleaning Frequency

- A. Tableware shall be washed, rinsed, and sanitized after each use.
- B. To prevent cross-contamination, kitchenware and food-contact surfaces of equipment shall be:
 - 1. washed (hot, soapy water)
 - 2. rinsed (clear water)
 - 3. sanitized (approved sanitizer and water)
 - 4. air dried
- C. This practice shall be done after each use and following any interruption of operations, during which time, contamination may have occurred.
- D. Where equipment and utensils are used for the preparation of potentially hazardous food on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be washed, rinsed and sanitized at regular intervals. This schedule is subject to the approval of the regulatory authority and shall be based on food temperature, type of food, and amount of food particle accumulation.
- E. The food-contact surfaces of grills, griddles, and similar cooking devices and 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.

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.

312.2 Wiping Cloths

- A. Cloths used for wiping food spills on tableware, such as plates or bowls being served to the consumer, shall be clean, dry and used for no other purpose.
- B. Moist cloths or sponges while being used for wiping food spills on kitchenware, food-contact and non food-contact surfaces of equipment shall be clean and rinsed frequently in one of the sanitizing solutions permitted in Section 312.3(E) and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

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.
- C. Equipment and utensils shall be pre-flushed or pre-scraped and, when necessary, pre-soaked to remove gross food particles and soil.
- D. Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing and sanitizing shall be conducted in the following sequence:
 - 1. Sinks shall be cleaned prior to use.
 - 2. Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution 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).
 - 5. Equipment and utensils shall be air dried.
- E. The food-contact surfaces of all equipment and utensils shall be sanitized by:
 - 1. Immersion for at least thirty seconds in clean, hot water at a temperature of at least 171°F; or
 - 2. Immersion for at least ten seconds in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and having a temperature of at least 75°F; or
 - 3. Immersion for at least thirty seconds in a clean solution containing at least 12.5 parts per million of available iodine and having a temperature of at least 75°F; or
 - 4. Immersion 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 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. 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.
- F. When hot water is used for sanitizing, 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 $\pm 2^\circ\text{F}$ 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, and equipment in the hot water.
- 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.

312.4 Mechanical Cleaning and Sanitizing

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 comply with NSF Standards.

312.5 In-Place Cleaning

Equipment intended for in-place cleaning shall be so designed and fabricated that:

- A. Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and
- B. Cleaning and sanitizing solutions will contact all interior food-contact surfaces; and
- C. The system is self-draining or capable of being completely evacuated.

312.6 Air Drying

All equipment, tableware and utensils shall be air-dried.

312.7 Sanitizing

When chemicals are used for sanitizing, they shall not have concentrations higher than the maximum permitted by the U.S. Food and Drug Administration 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. When hot water is used for sanitizing, heat sensitive tapes shall be provided and used to monitor final rinse temperature.

SECTION 313. WATER SUPPLY

313.1 General

Enough potable water for the needs of the food facility shall be provided from an approved source.

- 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 equipment that use water.
- D. Only culinary steam shall be used in contact with food or food-contact surfaces.

SECTION 314. SEWAGE

All sewage shall be disposed of in a public sewer or, in the absence thereof, in accordance with State law.

SECTION 315. PLUMBING

Plumbing shall be properly maintained and installed according to the Allegheny County Health Department **Plumbing Code**.

SECTION 316. TOILET ROOMS

316.1 Toilet Rooms

- A. Toilet rooms shall be convenient and adequate and shall be installed within the facility according to this Article.
- B. Employee toilet rooms shall be accessible at all times.
- C. Toilet rooms, separate for each sex, shall be required for patrons in food facilities where seating is provided. Any food facility which was constructed prior to October 4, 1976 is exempt from this Section.
- D. Toilet rooms for patrons cannot be accessed through food preparation or food storage areas.

- E. Minimum number of toilet room fixtures shall conform to the Allegheny County Health Department **Plumbing Code**.

316.2 Toilet Rooms

Toilet rooms shall be completely enclosed and have tight fitting, self closing, solid doors, which shall be closed except during cleaning or maintenance.

316.3 Toilet Fixtures

Toilet 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.

SECTION 317. HANDWASH SINKS

317.1 Handwash Sink Installation

- A. Handwash sinks in toilet rooms shall be installed properly and at least the number required by the Allegheny County Health Department **Plumbing Code**.
- B. Sufficient handwash sinks as determined by the Director shall be convenient to the food preparation area and available for use by all employees.
- C. Handwash 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. Handwash sinks shall not be used for food preparation or washing of equipment and utensils.
- E. Handwash sinks shall be provided with hot and cold water with a mixing valve.
- 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 handwash sink. A supply of sanitary towels or a hand drying device providing heated air shall be conveniently located near each handwash sink. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the handwash sinks.
- H. Handwash 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 handwash sinks directing all employees to thoroughly wash and clean their hands.

SECTION 318. GARBAGE AND REFUSE

318.1 Containers

- 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.
- B. Containers used in food preparation and utensil washing areas shall be kept covered 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.
- D. There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates between garbage pick-up times.
- E. Soiled containers 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.

318.2 Storage

- 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.
- B. Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, 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 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 surface of nonabsorbent material, such as concrete or machine-laid asphalt, that is kept clean and maintained in good repair.

SECTION 319. INSECT AND RODENT CONTROL

319.1 General

Effective and approved measures shall be utilized to minimize the entry of rodents, flies, cockroaches, or other vermin. The premises shall be maintained free of vermin and in a condition so as to prevent the entrance, harborage and feeding of such vermin.

319.2 Openings

Openings to the outside shall be effectively protected against the entry of rodents and insects by tight-fitting, self-closing doors; closed windows; screening; controlled air currents; or other means. Screen doors shall be self-closing, and 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.

SECTION 320. FLOORS

320.1 Floor Construction

- A. Floors 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 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.
- 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 flush 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 coved so as not to present an open seam of more than 1/32 inch.

320.2 Carpeting

Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleanable, 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.

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.

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 in good repair.

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. In all new or extensively remodeled establishments, installation of exposed horizontal utility service lines and pipes on the floor is prohibited.

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 321.2 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 322. LIGHTING

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

- A. At least 20 foot candles of light from a permanently fixed artificial source shall be provided to 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, 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.
- C. 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, 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.
- D. Infrared or other type heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

SECTION 323. VENTILATION

All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapor, 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.

323.1 Special Ventilation

- A. Intake and exhaust air ducts shall be 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.
- C. Ventilation systems designed for installation over cooking and dishwashing equipment shall be 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.

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

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.

SECTION 325. POISONOUS AND TOXIC MATERIALS

325.1 General

- A. There shall be present in food facility only those poisonous or toxic materials necessary for operating and maintaining the facility; for cleaning and sanitizing equipment and utensils; and for controlling insects and rodents.
- B. This does not apply to packaged products offered for retail sale.

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 containers of sanitizing solution.

325.3 Storage

- A. Poisonous and toxic materials shall not be stored above or adjacent to food, food equipment, utensils, equipment washing facilities and drainboards, or single-service items to prevent possible contamination. This requirement does not prohibit the convenient availability of detergents and sanitizer at utensil or dishwashing stations.
- B. Poisonous or toxic materials stored or displayed for retail sale shall not be kept above or adjacent to food or single service articles.

325.4 Use

- A. Poisonous or toxic materials shall not be used in any way that contaminates food, equipment, or utensils; nor in any way that constitutes a hazard to employees or other persons; nor in any way other than in full compliance with the manufacturer's labeling.
- B. Bait stations shall be tamper-resistant or covered to prevent spillage and scattering of poisonous material.
- C. Toxic tracking materials shall not be used in food establishments.
- D. 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 or other persons.

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.
- B. Only those medications necessary for the health of employees may be present. Medications shall not be stored adjacent to or above food, food-contact surfaces of equipment and utensils, or single-service articles. Medication that requires refrigeration shall be double-packaged, properly labeled, and stored on the bottom shelf.
- C. Cosmetics and grooming articles shall not be stored adjacent to or above food, food-contact surfaces of equipment and utensils, or single-service articles.
- D. First aid supplies, medicines, and cosmetics that are stored and displayed for retail sale shall not be stored adjacent to or above food and single-service articles.

SECTION 326. GENERAL PREMISES

326.1 General

- A. The food facility shall be maintained in good repair. All parts of the property used in connection with operation of the facility shall be reasonably free of litter and 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 sink 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.

- 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.

326.2 Living Areas

No operation of a food facility shall be conducted in any room used as living or sleeping quarters. Food service operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

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 washer 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 prepackaged foods or packaged single service articles. Dryers must be properly vented.

326.4 Linen and Clean Work Clothes Storage

- A. Clean clothes and linens, 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 contamination of food, food equipment and utensils.

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 stored in a way that does not contaminate food, utensils, equipment, or linens and shall be stored in an orderly manner to facilitate the cleaning of that storage location. Mops and brooms shall be stored off the floor to facilitate drying.

326.6 Animals

- A. Live animals shall be excluded from within the 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.
- B. Live or dead fish bait shall be stored separately from food or food products.

- C. Animals accompanying physically challenged persons shall be permitted in customer areas. Patrol dogs accompanying security or police officers shall be permitted in offices, storage areas and the outside premises.
- D. While on duty, persons employed in the food operational areas of a facility shall not care for or handle any animals.

SECTION 327. MOBILE FOOD UNITS

327.1 General

- A. Mobile food units shall comply with the requirements of this section and all other applicable sections of this Article except as otherwise provided in this paragraph and in Section 327.2 of this Article. The Department may impose additional requirements 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 or pushcarts shall display a valid approved Mobile Food Unit Sticker issued by the Department at all times in a place conspicuous to the public.

327.2 Restricted Operation

Mobile food units serving only food in prepackaged 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.

327.4 Water System

A mobile food unit requiring a water system shall have a potable water system under pressure. The water used on these units must be in accordance with Section 313 of this Article. The 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. 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. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed using safe materials and properly installed in accordance with the requirements of this Article.

327.5 Waste Retention

If liquid waste results from operation of a mobile food unit, the waste shall be stored in a permanently installed retention tank that is of at least 15 percent larger capacity than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion. The connections on the vehicle for servicing mobile food unit waste disposal facilities shall be 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.

327.6 Mobile Food Unit Operation

The operator of the 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.

327.7 Commissary

- A. Mobile food units shall operate from a commissary or other fixed food facility and shall report daily to such location for all food 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 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 unit.

SECTION 328. TEMPORARY OR SEASONAL FOOD STANDS

328.1 General

- A. Temporary food stands and seasonal food stands shall comply with the requirements of this Article except as otherwise provided in this section. The Director may impose additional requirements 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 prepared in a private home or an unpermitted facility may be used or sold in a temporary or seasonal food stand.

328.2 Limited Food Preparation

- A. Food preparation shall be simplified to reduce or eliminate hazardous food preparation steps.

- B. The Director may review food preparation steps of any menu item and may require modification of the food preparation steps to assure safe food.
- C. 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.

328.3 Ice 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. Ice used for holding food or beverages shall not be used for human consumption.
 - 4. Ice containers shall be drained to prevent accumulation of water.
 - 5. Loosely wrapped foods shall not be in direct contact with ice.
- 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.

328.4 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 shall be kept at each stand. This water must be stored in an approved covered container and poured from a dispensing spout.
- C. In the case where hot water is not available to the site, an adequate means of heating water shall be provided by the operator.
- D. When only pre-packaged food is sold the requirements under 328.4(B) and 328.4(C) will be waived.

328.5 Cleaning and Sanitizing Equipment

Adequate facilities shall be set up for cleaning and sanitizing food-contact surfaces such as cooking utensils, cutting boards, knives, etc. Three labeled containers of adequate volume must be utilized in the following manner:

- 1. Wash (hot, soapy water)
- 2. Rinse (clear water)
- 3. Sanitize (approved sanitizer & water)

Containers shall be stored off the ground and adequately protected. An approved sanitizer must be on the site and used in the above manner at all times. All utensils and equipment must be air dried.

328.6 Handwashing

Handwashing facilities shall be provided in all cases except where only pre-packaged foods are sold. The use of clean water drawn from a dispensing spout and soap is acceptable for handwashing. Dipping of hands in the water is not approved. Single service towels must be provided for hand drying. The use of readily available moist towelettes containing an approved disinfectant agent also is acceptable.

328.7 Construction of the Stand

- A. Overhead protection shall be provided for all food preparation and food storage areas. Materials such as canvas, plastic or wood that protect the establishment from the weather shall be approved. A site shall be chosen which will minimize problems with dirt and dust.
- B. The remainder of the stand 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 waste water 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 329. MODIFIED ATMOSPHERE PACKAGING

329.1 General

Food facilities shall comply with the requirements of this Article while conducting modified atmosphere packaging and shall adhere to the requirements listed in this Section. 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.

329.2 Safety Barriers

- 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 0.91
 - 2. Acidity (pH) of less than 4.6

3. High levels of non-pathogenic competing organisms that prohibit 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.

329.3 Labeling---"Use By" Dates

- 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.

329.4 Hazard Analysis and Critical Control Point (HACCP)

All food facilities processing food in a modified atmosphere must develop a 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 (i.e., NSF, U.S.D.A., etc.)
3. A description of the lot identification system
4. A description of the employee training program
5. If gases are used, they must be identified as being of food grade quality and must be listed by proportion of gas(es) used in the packaging
6. A description of the procedure along with the frequency for cleaning and sanitizing the involved food-contact surfaces in the processing area

7. A description of action to be taken if there is a deviation from the process approved by the regulatory agency

329.5 Safety Barrier Verification

The safety barrier requirement must be verified in writing for all foods processed in a modified atmosphere. This can be accomplished via written certification from the product manufacturer or through independent laboratory analysis of the incoming product using the official method of analysis. Any changes in product formulation or processing procedures that impact on the safety barrier require recertification of the product. All barrier certifications must be updated every twelve months or as required by the appropriate regulatory authority. A record of all safety barrier verifications must be available at the processing site for regulatory review.

329.6 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.

329.7 Microbiological Testing

Microbiological testing of product at the end of shelf life will only occur 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.

SECTION 330. PERMITS

330.1 Permits

- A. It shall be unlawful for any person to operate a food facility in the County of Allegheny without first obtaining a valid health permit from the Director.
- B. This permit, unless revoked or suspended, shall be valid for a period of no more than a 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 permits shall be posted in a place conspicuous 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.

330.2 Permit Fee

At the time of application, each person who applies for a permit shall be required to pay fees applicable to his particular business as set forth in the fee schedule.

- A. 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 permit for multiple sites. A temporary permit is valid for a maximum of 14 days; a seasonal permit is valid for a maximum of 6 months.
- 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.
- C. A single permit holder conducting more than one food business activity in the same structure, shall pay a separate fee for each business activity up to the maximum amount listed on the health permit fee schedule. No refunds due to termination of business or temporary/seasonal suspension of business shall be permitted.
- D. All permit fees shall be set forth in a schedule as determined by the Director upon annual consultation with the Board of Health.
- 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 may include service performed outside regular

departmental working hours and will be charged for at a rate equal to the cost of providing the service.

SECTION 331. INSPECTIONS

Inspections of permitted food facilities shall be conducted on a routine basis at the discretion of the Director.

- A. The frequency of the inspections shall be based on the size, type, 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, as deemed necessary, shall be conducted to determine if cited violations have been corrected.
- C. Non-routine inspections and Hazard Analysis & Critical Control Points Evaluations (HACCP) may be conducted as needed, when emergency conditions exist, 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. All reports shall be on file for public review in the designated Health Department office.

SECTION 332. EXAMINATION, CONDEMNATION AND EMBARGO OF FOOD

The Director may examine food or collect samples of such food as often as deemed necessary for enforcement of this Article. The Director may condemn and forbid the sale of, or cause to be removed or destroyed, any food or beverage which is unwholesome or adulterated. Condemned food shall be disposed of properly. Food subject to a hold order (Embargo notice) shall be tagged or labeled and shall not be used, served or removed from the food facility. The Director 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.

SECTION 333. INFECTED FOOD WORKER

333.1 General

A person infected with a disease such as Salmonella, Shigella, Escherichia coli 0157:H7, Campylobacter, Giardia, Yersinia, or Hepatitis A virus that can be transmitted by foods or on food-contact surfaces shall be restricted or excluded from working in a food facility. Persons afflicted with a boil, an infected wound, diarrhea, vomiting or an acute respiratory infection, shall not work in a food facility.

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 has contracted any disease in a communicable form transmissible through food, or has become a carrier of such disease, the Director shall be notified immediately.
- B. When the Director has reason to believe that there is the possibility of transmission of infection from any food facility employee, the Director is authorized to require any or all of the following measures:
 - 1. The immediate exclusion of the employee from employment in the food facility;
 - 2. Restriction of the employee from working with exposed food; clean 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 and of his/her associates with such laboratory examinations as may be indicated.

SECTION 334. REVIEW OF FOOD FACILITY CONSTRUCTION PLANS

334.1 Review of Plans and Fees

- A. Whenever a food facility is to be constructed, remodeled or altered extensively, or whenever an existing structure is being converted to a food facility, plans and specifications must be submitted to the Food Protection Program for approval prior to construction. Plans and specifications shall include:
 - 1. floor plan drawn to scale
 - 2. completed Plan Review Checklist
 - 3. complete equipment list to include manufacturers' names and model numbers
 - 4. tentative menu items and preparation specifications for HACCP review
 - 5. payment of the appropriate fee established by the Director
- B. The fee for review of construction plans shall be determined based on 50% of the applicable 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.
- C. The Department shall approve such plans when they meet all specifications and the fee has been paid. Whenever plans are disapproved, the Department will respond in writing stating the shortcomings in the plans. 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.

334.2 Pre-Operational Inspection

Whenever plans are required under Section 334.1 or when a food facility changes ownership, an inspection must be conducted by the Department prior to operation to determine compliance with this Article. It is the responsibility of the operator to schedule the inspection. Operators shall provide at least 10 days notice to the Department for scheduling the pre-operational inspection.

334.3 Temporary Food Stands and Mobile Food Unit Plan Review

Comprehensive plans for all temporary food stands and mobile food units 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 335. PLACARDING OF FOOD FACILITIES

335.1 General

- 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 facilities which meet the requirements of this Article shall display the placard, provided by the Department, which reads "Inspected and Permitted by the Allegheny County Health Department". When the food facility fails to meet the requirements, and upon inspection has significant critical violations remaining or recurring, the Director 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) days. At the end of this temporary period of operation, the Director shall suspend the health permit if significant critical violations remain.
- B. If the Director finds at any time that conditions warrant or there is an imminent danger to the public health, he shall suspend the health permit and post the food facility with a placard which reads "Closed by Order of the Allegheny County Health Department".
- 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.
- D. It shall be unlawful to operate any food facility with a suspended permit. A suspended permit can only be reinstated after a department inspection has verified the correction of all critical violations.

SECTION 336. CERTIFICATION OF FOOD PROTECTION MANAGERS

336.1 General

- A. No person shall operate a food facility where potentially hazardous food is prepared, stored, or displayed in Allegheny County who does not employ full time Food Protection Manager(s) 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 while operating.
- C. The certification granted to a person by the Department shall be made available upon request. The certificate is not transferable between persons and shall not be duplicated by anyone other than the Department.

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.

336.4 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, the occurrence of a fire, flood, power outage of two or more hours, alleged 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.
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

- 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 337. ADMINISTRATIVE PROCEDURES

337.1 Summary Suspension/Imminent Hazard

If the Director finds there is imminent danger to the public health the permit shall immediately be suspended. Any person whose 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. 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. A person whose permit has been suspended shall have the permit reinstated upon completion of the corrective action required by the Director and an inspection verifying such corrections. It shall be unlawful to operate a food facility with a suspended permit.

337.2 Suspension and Reinstatement of the Health Permit

- A. If the Director determines that there is a violation of any of this Article or laws of the Commonwealth of Pennsylvania and there is no imminent danger to the public health, the permit of the food facility may be suspended.
- 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. The 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 shall fix a hearing no sooner than six (6) days from the date of mailing of the notice of pre-suspension hearing unless the Director 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 the hearing; otherwise, the suspension shall become effective as such time as may be fixed by the Director. 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 suspended permit.
- D. A permit which has been suspended shall be reinstated if the person whose permit has been suspended completes the corrective action as required by the Director. The permit may only be reinstated following a Department inspection of the premises and written approval by the Director.

337.3 Variance

The Director may grant variance or conditional variance from any of the requirements of this regulation if the Director so determines that the granting of such variance poses no real or potential hazard to the health, safety, or welfare of the public.

337.4 Penalties

- A. Summary Offenses - Any person who violates any of the provisions of this 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 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.

- B. Misdemeanors - Any person who violates any of the provisions of this article or any rule or regulation of the County Department of Health, or who interferes with a Health Director or any other agent of the Department of Health in the discharge of his/her 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.
- C. 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.
- D. Civil Penalties - Any person who violates any of the provisions of this article or any rule or regulation of the Allegheny County Department of Health may be assessed a civil penalty imposed by the Director pursuant to Article XVI "Environmental Health Civil Penalties".

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. A request for hearing must be made in writing and files with the Department within ten (10) days upon receipt of an order.

337.6 Allegheny County Food Safety Fund

- A. The purpose of Allegheny County Food Safety Fund is to support activities related to the improvement of food safety within Allegheny County and to support activities which will increase or improve knowledge of food safety, as it relates to foodborne illness and its control, so as to benefit public health.
- B. Disposition of Monies Collected. All funds received by the County as a result of 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.
 - i. 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 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.
 - ii. 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.
 - iii. Audits of the Fund shall be performed as required by law.

- C. Disbursements. Disbursements of monies 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 be disbursed or borrowed from the Allegheny Food Safety Fund, or otherwise distributed or encumbered, except as specifically allowed under this section.

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 338. DEFINITIONS

Approved - in conformance with appropriate standards and good public health practice as determined by the Director.

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

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

Commissary - a catering facility, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

Department - the Allegheny County Health Department.

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

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.

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.

Employee - any person working in a food facility.

Equipment - stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, 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.

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 additive - any substance added directly or indirectly to 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 onto surfaces normally in contact with food.

Food facility - any place, permanent or temporary, where food is prepared, handled, served, sold, or provided to the consumer.

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

Food Processor - shall include any regulated food facility that produces food for wholesale or retail sale.

Hazard Analysis & Critical Control Points (HACCP) - a method used to reduce the risk of foodborne illness by:

- A. Identifying hazards of high risk foods;
- B. Assessing the 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.

Hermetically sealed container - an airtight container which is designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.

Highly Susceptible Population - means a group of persons who are more likely than other populations to experience foodborne disease because they are immunocompromised or older adults and in a facility that provides health care or assisted living services, such as a hospital or nursing home; or preschool age children in a facility that provides custodial care, such as a day care center.

Law - includes Federal, State, and local statutes, ordinances, and regulations.

Mobile food unit - a self contained, limited service food facility which is a mechanically, electrically, manually, or otherwise propelled vehicle operating on land or water.

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.

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

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 the apparent supervisor of that facility at the time of inspection. If no individual identifies himself as the supervisor then any employee present may be deemed the person in charge by the Department.

Potable water - water obtained from a source meeting the requirements of the State and Federal Safe Drinking Water Acts.

Potentially Hazardous 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:

1. Of animal origin and is raw or has been heat treated, or
2. Of plant origin and has been heat treated or is raw seed sprouts, or
3. Determined to be potentially hazardous by the U.S. Food and Drug Administration.
4. 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.

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.

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

Restaurants - shall include restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, 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.

Retail Food Establishments - shall include any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premise consumption. This definition shall include mobile food units.

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 - effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

Seasonal Food Stand - a food facility that routinely operates for no more than six (6) consecutive months each year in association with a flea market or farmers market.

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

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 use. 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.

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

Utensil - any implement used in the storage, preparation, transportation, or service of food.

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.