

PENNSYLVANIA'S NEW FOOD REGULATIONS

The former code, known as Title 7, Chapter 78, was replaced with Title 7, Chapter 46, Food Code, which is based on the 2001 FDA Food Code and its supplement. The new code establishes definitions, sets standards for management and personnel, and equipment and facilities in Retail food establishments. Also, it provides for food facility plan review, permitting, licensing, registration, inspection, and employee restriction.

The new regulations are applicable to all retail food establishments. A retail food establishment is any food establishment which stores, prepares, packages, vends, offers for sale or otherwise provides food for human consumption and which relinquishes possession of food to a consumer directly, or indirectly, through a delivery service such as home delivery of grocery orders or delivery service provided by common carriers.

✓ *Did you know??*

- ◆ **Instant Hand Sanitizers** shall only be used in *ADDITION* to handwashing, not *INSTEAD* of handwashing. (46.134)
- ◆ **Artificial Nails and Nail Polish** *MAY* not be worn by food employees, without wearing gloves. (46.135)
- ◆ **Jewelry** may not be worn on arms or hands while preparing food. One plain band may be worn, such as a wedding band. (46.136)
- ◆ **Pasteurized Eggs** must be substituted for raw eggs in foods such as Caesar dressing, hollandaise or béarnaise sauce, mayonnaise, eggnog or ice cream, if a consumer advisory is not offered. (46.283)
- ◆ **Wiping Cloths:** Shall be stored in a chemical sanitizing solution in between use. (46.304)
- ◆ **Food Storage and Display:** Food may not be stored under any source of contamination such as peeling paint or unprotected light bulbs. [46.321(d)(9)]
- ◆ **Hot Holding:** dropped from a minimum of 140°F to a minimum of 135°F. [46.385(a)(1)]
- ◆ **Cold Holding:** dropped from 45°F to 41°F or below. [46.385(a)(2)]
- ◆ **Foods** prepared on the facility premises or commercially prepared and opened in the facility, which are refrigerated potentially hazardous food (PHF) held for 48 hours or more must be clearly marked to indicate the **date** or **day** by which the food shall be consumed, sold, or discarded. [46.385(b)]
- ◆ **Thermometers:** At least one easily readable, permanently affixed thermometer shall be conveniently located in all mechanically refrigerated or hot food storage units. (46.590)
- ◆ **Thermometers:** Must be provided *AND* readily accessible to ensure attainment and maintenance of food temperatures, and to ensure proper temperatures for dishwashing and sanitizing. (46.632 & 46.633)
Proper calibration of thermometers is required.
- ◆ **Sanitizing Solution-Testing Devices:** *MUST* be provided to ensure proper sanitizer concentration levels. (46.634)
- ◆ **Cleaning Equipment & Utensils:** Equipment & food contact surfaces used for PHF's must be cleaned every 4 hours [46.712(c)] except as specified in subsection (d).
- ◆ **Plan Review & Application** is required for **ALL** retail food facilities (new facilities, changes of ownerships, remodels or conversions). (Paperwork is available by contacting your regulating agency) (46.1121)

- ✓ **Designation of Person in Charge** -- (PIC): The food facility operator may be the person in charge or shall designate a PIC and shall ensure that a PIC is present at the food facility during all hours of operation. The PIC does not necessarily have to be the PA Food Employee Certified person for the facility. **(46.101)**
- ✓ **Duty to report disease or medical condition** --It is the responsibility of the PIC to **require** employees to report to him or her information concerning their health and activities as they relate to diseases that are transmitted through food (diarrhea, fever, vomiting, jaundice, sore throat with fever, or "Big Four"). **(46.111)**

"BIG FOUR": These shall be reported to the Department of Agriculture and/or local health authority:

E. Coli, Shigella, Hepatitis A, Salmonella

- ✓ **Preventing contamination from food employees' hands (bare-hand contact)** --Food employees may not contact exposed, ready-to-eat food with their bare hands and shall use utensils such as deli paper, spatulas, tongs, single-use gloves, or dispensing equipment. **(46.261)**
- ✓ **Gloves: Use limitations** -- Single-use gloves shall be used for only one task (ready-to-eat *or* raw) and discarded when damaged, soiled, or interruptions in operations occur. **(46.305)**
- ✓ **Parasite destruction in fish other than molluscan shellfish by freezing** -- Ready-to-eat, raw, raw-marinated, partially cooked or marinated-partially cooked fish (ie. Sashimi) shall be frozen throughout to a temperature of one of the following **(46.364)**:
 - 20°C (-4°F) or below for 7 days in a freezer
 - 35°C (-31°F) or below for 15 hours in a blast freezer

If a supplier freezes fish, written proof of proper freezing must accompany shipments.

- ✓ **Cooling: Potentially Hazardous Foods** -- Cooked PHF's shall be cooled as follows **(46.384)**:
 - Within 2 hours from 135°F to 70°F AND within 6 hours from 135°F to 41°F. (Total cooling time not to exceed 6 hrs, but the drop to 70°F must occur within 2 hrs or less)
 - Within 4 hours to 41°F if food is prepared from room temperature ingredients.
- ✓ **Consumer advisory** —Applicable to ANY facility serving or selling raw or undercooked or under-processed animal derived foods. The food facility shall inform consumers by brochures, deli case or menu advisories, label statements, table tents, placards or other effective **written** means of the increased risk associated with eating animal derived foods in a **raw** or **undercooked** form, such as rare hamburgers or sunny side up eggs. Consumer advisory **MAY NOT** be used in a highly susceptible population facility **(46.423)**.
- ✓ **Sanitizer levels** -- As a general rule: **Chlorine**= 50 ppm (100°F water temperature), **Quats**= 200 ppm (min. 75°F or above). Follow manufacturer label instructions for contact time (46.731), water temperature, pH and specific concentrations **(46.674)**.
- ✓ **Plumbing/handwashing** -- These sections require each facility to have the following:
 - At least one utility (mop) sink. **(46.823 and 46.824)**
 - Handwashing facilities in food preparation, food dispensing and warewashing areas to allow convenient use by **employees**.

At least one handwashing sink for the convenient use by **consumers** shall be provided in the food facility that allows food consumption on the premises (building or grounds). This may be a toilet room sink.

The Department of Agriculture has also proposed a food certification program, which will require non-exempt food establishments to be certified in a category specific to its sector of the industry. If this rule is adopted, several types of food establishments will be exempt from certification, including those managed by IRS-recognized tax exempt organizations, those run as a not-for-profit by a volunteer fire company or an ambulance, religious, charitable, fraternal, veterans, civic, agricultural fair or agricultural association or any separately chartered auxiliary of those associations, and those managed by an organization established to promote and encourage participation and support for extracurricular recreational activities for youth of primary and secondary public, private and parochial school systems on a not-for-profit basis.