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SUPPLEMENTS

City of Philadelphia
DEPARTMENT OF PUBLIC HEALTH

REGULATIONS GOVERNING FOOD ESTABLISHMENTS

Pursuant to Section 5-301 (b) of the Home Rule Charter and Section 6-301 of The Philadelphia Code, the following regulations are promulgated by the Board of Health.

DEFINITIONS

Adulterated - Any food or drug:

- (a) *which is boxed, mixed, packed, or combined in any manner with any substance so that its quality, strength or purity is injuriously affected to the detriment of public health;*
- (b) *out of which any valuable constituent has been wholly or partly abstracted to the detriment of the public health;*
- (c) *which is below the standard of quality represented to the purchaser or consumer in a manner relating to the public health;*
- (d) *which is mixed, colored, changed in color, coated, polished, powdered, stained, or bleached or changed in flavor so that damage or inferiority is concealed in any manner to the detriment of public health;*
- (e) *which contains any antiseptic or preservative which may render it injurious to health;*
- (f) *which consists of or is manufactured in whole or in part from a diseased, rancid, contaminated, filthy, or decomposed animal or vegetable substance;*
- (g) *which is produced, processed, stored, transported or kept in a way or condition that might tend to render it diseased, contaminated or dangerous to human life or health;*
- (h) *which is in any part the product of a diseased animal or any animal that has died otherwise than by slaughter;*
- (i) *which is contaminated or otherwise damaged by fire, smoke, water, sewage, radiation, chemicals, or any accident whatsoever; or which is contaminated by damage to the container thereof as a result of any such accident.*
- (j) *which does not conform to the standards of quality or safety for human consumption prescribed by this Title and the regulations of the Board adopted under it.*

Animal Food - *Food, food products, agricultural, or food processing by-products intended for consumption by livestock or household pets.*

Approved - Acceptable to the Department of Public Health based upon determination as to conformance with appropriate standards and good health practice.

Auxiliary Food Equipment - Equipment not used in the preparation, storage and serving of food but incidental to the operation of the establishment such as heating, lighting, ventilation and electrical and similar equipment.

"Best If Used By" Date - A date prior to deterioration of qualities for semi-perishable or long shelf life foods.

Board - The Board of Health of the City.

Bulk Food - A food which when dispensed to the customer is not packaged, wrapped or otherwise enclosed.

Catering Establishment - Any establishment including commissaries where food is prepared for consumption away from the premises.

Certified Milk - Milk from dairy farms operated in accordance with "Methods and Standards for the Production and Distribution of Certified Milk", last adopted by the American Association of Medical Milk Commissioners, Inc., the production and handling of which shall be certified by a commission instituted in compliance therewith.

Certification Number - A unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

CIP - Cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.

Cheese - The food product from the separated curd obtained by coagulating the casein of milk, skim milk or milk enriched with cream and includes hard, semi-soft cheese, soft uncured cheeses, whey cheese, soft cured cheese, cheese spreads, processed cheeses, cheese foods and related products; excepting cottage cheese and creamed cottage cheese.

Closed - Fitted together tightly leaving no openings large enough to permit the entrance of vermin.

Commissary - Catering establishment or food establishment in which food, beverage, ingredients, containers or supplies are kept, handled, prepared or stored, and from which food vendors, non-permanent food establishments and vending machines are directly serviced.

Commissioner - The Health Commissioner of the City.

Communicable Disease - An illness of infectious disease which is transmissible directly or indirectly to a well person from any other person, animal, arthropod, or through the agency of an intermediate host, vector, or the inanimate environment.

Comminuted - Any foods reduced in size by methods including chopping, flaking, grinding, or mincing.

Condemnation - Designation by the Department of any food or drug as unfit for human consumption or human use.

Condiment - Any food such as salt, pepper, mustard and catsup that is used to enhance the flavor of other food.

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

Corrosion-resistant Material - A material which maintains its original sanitary surface characteristics under prolonged exposure to the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions-of-use environment.

Critical Item - A violation of this regulation that, if in noncompliance, is more likely than other violations to contribute

to food contamination, illness, or environmental degradation.

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

Denature - The process of rendering food or drugs readily recognizable as unfit for human consumption or human use.

Department - The Department of Public Health of the City, the Commissioner of the said Department, or any authorized representative thereof.

Detention Order - A written notification by the Department to the person in charge of the food service facility to hold back or retain specific foods pending Department determination of suitability of the food for human consumption.

Drinking Water - Potable water that meets 40 Code of Federal Regulations (CFR) Part 141 National Primary Drinking Water Regulations.

Drug - Any article or substance, other than food which is:

- (a) recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them, or
- (b) intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man, or
- (c) intended to affect the structure or function of the body of man, or
- (d) intended for external application for the purpose of cleansing, beautifying, promoting the attractiveness, or altering the appearance and which may adversely affect the public health, or
- (e) intended for use as a component of an article specified in clause (a), (b), (c) or (d); but excluding instruments, contrivances and apparatus or their component parts, or accessories intended for use as set forth in (b) or (c).

Dry Storage Area - A room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous and dry goods such as single-service items.

Easily Cleanable - Readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.

Easily Movable - Equipment meeting the following criteria:

- (a) Weighing 30 pounds (14 kg) or less; mounted on casters, gliders, or rollers; or provided with a mechanical means requiring no more than 30 pounds (14 kg) of force to safely tilt a unit of equipment for cleaning; and
- (b) Having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.

Employee - Any person working in a food establishment, person having supervision or management duties, and any other person who transports food or food containers, who engages in food preparation or service, or who comes in contact with any food utensils or equipment.

Equipment - All machinery, including fixtures, containers, vessels, tools, implements, furniture, display and storage areas, sinks, and other apparatus used in connection with the operation of any establishment.

Establishment - Any place or premise, whether public or private where any person conducts any enterprise, occupation, vocation or business, whether or not for profit and whether temporarily or permanently located.

Fish - Fresh or saltwater finfish, molluscan shellfish, crustaceans, and other forms of aquatic animal life other than birds or mammals and includes any edible human food product derived in whole or in part from fish, including fish that has been processed in any manner.

Food - Every substance intended for human consumption, whether in solid or liquid form, including every article used for, or entering into the composition of, or intended for use as, an ingredient in the preparation of food for any person.

Foodborne Disease Outbreak

(a) An incident, except as specified in Subparagraph (b) of this definition, in which:

(i) 2 or more persons experience a similar illness after ingestion of a common food; and

(ii) Epidemiological analysis implicates the food as the source of the illness.

(b) Includes a single case of illness such as 1 person ill from botulism or chemical poisoning.

Food Contact Surfaces - Those surfaces with which food normally comes into contact, and those surfaces from which food may drain, drip or splash back onto surfaces normally in contact with food.

Food Establishment - Any establishment or portion thereof where food is handled or sold, including a permanent structure, a stationary or movable stand, vehicle, cart, basket, box, vending machine or other container, but excluding:

(a) railroad dining cars in transit, and

(b) exclusively financial investment and brokerage transactions where food is not actually handled in the City.

Food Establishment Personnel Food Safety Certificate - Certificate issued to any person who demonstrates knowledge of established and recognized food safety procedures according to the Health Code.

Food Establishments Without Permanent Location - Any stationary or movable stand, vehicle, cart, basket, box or similar structure from which food is handled, which locates at any one site or location for less than fourteen consecutive calendar days regardless of whether the establishment operates continuously during this time; except that this regulation shall not apply to vehicles engaged solely in the delivery and transit of food to or from food establishments with permanent location, and automatic vending machines. Any establishment as described above which locates at or occupies one site or location for more than fourteen consecutive calendar days shall be required to comply with the requirements for permanent food establishment operations and any other regulations of the Department of Public Health governing the conduct of food establishments with permanent location.

Food Manufacturing and Wholesale Processing Establishments - Any establishment with permanent location where food is handled, manufactured, or processed, and offered for sale or distribution to other food establishments. Food manufacturing and processing establishments include but are not limited to bakeries, confectioneries, bottling plants, canning plants, pickling plants, seafood or shucking plants, frozen food plants, meat or poultry plants, milk or frozen dessert plants and similar plants.

Food Preparation - Any activity that changes the physical or chemical characteristics of a food that may include exposure to temperature changes, ionizing and non-ionizing radiation, or physical force including the mixing, blending, cutting, chopping, scraping, extruding, or comminuting of a food including the addition of other food(s) or ingredients.

Food Storage and Display Equipment - Equipment used in the storage and display of food and drink such as display cases and windows, cabinets, counters, shelves, racks, refrigerating equipment, bins and similar equipment.

Frozen Desserts - Any frozen or partially frozen product or mix for freezing:

- (a) containing milk, milk products or milk derivatives, including ice cream, frozen custard, milk sherbet, or other similar products, or
- (b) combining water, sugar, fruit, stabilizer, flavoring, whether natural or artificial, including ice, shaved ice, water sherbet, and any other similar products.

Game Animal - An animal, the products of which are food, that is not classified as cattle, sheep, swine, or goat. Game animal includes:

- (a) Animals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, bear, and muskrat; aquatic and nonaquatic birds such as wild ducks and geese, quail, and pheasant; nonaquatic reptiles such as rattlesnakes; and aquatic mammals; and
- (b) Exotic animals, such as lion, tiger, leopard, elephant, camel, antelope, anteater, kangaroo, and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and YáK.

Garbage - All food wastes, putrescible waste material including animal or vegetable offal and food packaging material containing food residue.

Handle - The actual collecting, keeping, storing, manufacturing, preparing, cooking, processing, dressing, slaughtering, distributing and transporting of food.

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

Hermetically Sealed Container - A 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.

Hot Water - Water heated and maintained at a temperature of not less than 110°F (43.3°C) and not to exceed 125°F (51.7°C).

Imminent Health Hazard - Significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:

- (a) The number of potential injuries, and/or
- (b) The nature, severity, and duration of the anticipated injury.

Infectious Disease - A disease of man or animals resulting from a transmissible infection, whether or not patent, apparent, inapparent, latent, clinical or subclinical.

Infestation - The presence of any rodent or arthropod population on the food establishment premises.

Injected - Manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat such as with juices which may be referred to as "injecting," "pinning," or "stitch pumping".

Institution - Any establishment where:

- (a) two or more patients receive care, including hospitals, maternity homes, nursing homes, convalescent homes and homes for the aged;
- (b) persons or patients receive penal or correctional care;
- (c) one or more patients under sixteen years of age receive care, including boarding houses, camps, private residences, day nurseries, private nursery schools, day care centers, and foster homes, but excluding schools, and State-owned or operated establishments.

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

Linens - Fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.

Long Shelf-life Food - Any food for which a significant risk of spoilage, loss of value, or loss of palatability does not occur sooner than 6 months after the date of packaging including foods preserved by freezing, dehydrating, or being placed in a hermetically sealed container.

Meat - The carcass or any part of the carcass of any animal.

Meat Products - Any product made in whole or part from meat.

"MGL" means milligrams per liter, which is the metric equivalent of parts per million (ppm).

Milk - The lacteal secretion obtained by the milking of one of more cows or goats.

Milk Derivatives - Butter, cheese, condensed milk, condensed skim milk, evaporated milk, powdered milk, or powdered milk products.

Milk Plant - Any food establishment where milk is collected, separated, processed, stored, bottled, pasteurized or prepared in any manner for sale as milk or milk products.

Milk Products - Skim milk, non-fat milk, cream, sour milk, sour cream, buttermilk, flavored milk, cultured milk, cottage cheese, creamed cottage cheese, and all other fluid derivatives of milk except those defined as milk derivatives.

Misbranded - Any written, printed, or graphic matter, on or accompanying food or containers of food, which is false or misleading.

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

Multi-Use Utensils - Knives, forks, spoons, cups, saucers, plates, glasses, table and fountain utensils and similar food utensils.

Nonabsorbent Material - Any material which will not retain and is not permeable to water, other liquids, and liquefied matter, especially grease and other organic materials.

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

Pasteurized - The process whereby every particle of milk or milk products is heated to at least 143°F. with holding at such temperature continuously for at least 30 minutes or at least 161°F. with holding at such temperature continuously for at least 15 seconds in approved and properly operated equipment, except that in the case of frozen desserts the conditions shall be 155°F. with continuous holding at such temperature for at least 30 minutes or 175°F. with continuous holding at such temperature for at least 25 seconds in approved and

properly operated equipment; or other process whereby every particle of milk, milk products, or milk derivatives, or frozen desserts is heated to such temperature and held continuously for such period of time as the Department may declare to afford equivalent protection against contamination.

Perishable Food - Any food having a significant risk of spoilage, loss of value, or loss of palatability within 60 days of the date of packaging.

Permit - The document issued or approved by the Department that authorizes a person to engage in the activity for which the permit or license was issued.

Permit Holder - The entity that:

(a) Is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person; and

(b) Possesses a valid permit or license to operate a food establishment.

Person - An individual, firm, partnership, company, corporation, trustee, association, institution, cooperative enterprise, or publicly owned or privately owned entity.

Person in Charge - The individual present in a food establishment who is the apparent supervisor of the food establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

Personal Care Items - Shall include:

(a) items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance.

(b) items such as medicines; first aid supplies; and other items such as cosmetics, and toiletries such as toothpaste and mouthwash.

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

Values between 0 and 7 indicate acidity and values between 7 and 14 indicate alkalinity. The value for pure distilled water is 7, which is considered neutral.

Physical Facilities - The structure and interior surfaces of a food establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

Plumbing Fixture - A receptacle or device that:

(a) is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or

(b) discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

Plumbing System - The water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.

Poisonous or Toxic Materials - Substances that are not intended for ingestion and are included in the following:

(a) cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;

(b) pesticides, which include substances such as insecticides and rodenticides;

(c) substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; and

(d) substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

Potentially Hazardous Food - Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other food or food products, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include: foods that have a pH level of 4.6 or below or a water activity (a_w) value 0.85 or less under standard

conditions; food products in hermetically sealed containers processed to prevent spoilage.

Premises - Shall include:

- (a) the physical facility, its contents, and the contiguous land or property under the control of the permit holder; or
- (b) the physical facility, its contents, and the contiguous land or property and its facilities and contents that are under the control of the permit holder that may impact food establishment personnel, facilities, or operations, if a food establishment is only one component of a larger organization such as a health care facility, hotel, motel, school, mall, recreational camp, or prison.

Prepackaged - Packaged prior to being displayed or offered for retail sale.

Preparing and Serving Food Establishment - An establishment where food or drink is prepared or served for consumption on or off the premises, including such establishments as a restaurant, buffet, lunch room, grill room, lunch counter, dining room of a hotel, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich shop, soda fountain, in-plant feeding establishment, institutional feeding establishment, food establishment in private clubs and similar places preparing or serving food or drink.

Readily Accessible - Exposed or capable of being exposed for cleaning and inspection without the use of tools.

Ready-to-Eat Food - Shall mean:

- (a) food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form.
- (b) includes:
 - (i) unpackaged potentially hazardous food that is cooked to the temperature and time required for the specific food;
 - (ii) raw, washed, cut fruits and vegetables;
 - (iii) whole, raw, fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet; and
 - (iv) other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

Reconstituted - Dehydrated food products recombined with water or other liquids.

Reduced Oxygen Packaging - Shall mean:

- (a) the reduction of the amount of oxygen in a package by mechanically evacuating the oxygen; displacing the oxygen with another gas or combination of gases; or otherwise controlling the oxygen content in a package to a level below that normally found in the surrounding atmosphere, which is 21% oxygen.
- (b) includes methods that may be referred to as altered atmosphere, modified atmosphere, controlled atmosphere, low oxygen, and vacuum packaging including sous vide.

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

Rendering Plant - Any industrial establishment where hide, skin, fat or grease or mineral substances are obtained from the carcass of any dead animal for either edible or inedible uses.

Retail Food Store - Any establishment, with permanent location, where food is handled or offered for sale for consumption off the premises, including such establishments as candy stores, drug stores without soda fountains,

grocery stores, food warehouses, meat markets, poultry markets, fish markets, fresh fruit and vegetable markets, retail bakery stores where no baking is done on the premises, and similar stores.

Restricted Use Pesticide - *A pesticide product that contains the active ingredients specified in 40 Code of Federal Regulations (CFR) 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.*

Safe Drinking Water Act - *Pennsylvania Safe Drinking Water Act and appropriate regulations.*

Safe Material - *An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food.*

Safe Temperature - *As applied to the storage temperature of potentially hazardous food, shall mean an internal temperature of 41°F (5°C) or below, and 140°F (60°C) or above.*

Sanitize - *Effective bactericidal treatment of clean surfaces or equipment and utensils by a process which has been approved by the Department as being effective in destroying microorganisms, including pathogens.*

School - *Any establishment, whether private, public or parochial, attended by children of legal school age or older for primarily educational purposes.*

Sealed - *Free of cracks or other openings that permit the entry or passage of moisture.*

Self-inspection - *Inspection of a food establishment conducted by a person with a valid Food Establishment Personnel Food Safety Certificate.*

Sell - *Vend, exchange, barter, trade, or deal in, with or without direct charge, or have possession, care, control, or custody with intent to vend, exchange, barter, trade or deal in; or offer or expose for sale with or without direct charge.*

"Sell By" Date - *A recommended last date of sale that permits a subsequent period before deterioration of food quality.*

Semi-perishable Food - *Any food for which a significant risk of spoilage, loss of value, or loss of palatability occurs only after a minimum of 60 days, but within 6 months, after the date of packaging.*

Servicing Area - *An operating base location to which a mobile food establishment or transportation vehicle returns regularly for such activities as discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.*

Sewage - *Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals, and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use for domestic water or for recreation, or which constitutes pollution under the Act of June 22, 1937 (P.L. 1937, No. 394) known as the "Clean Streams Law", as amended.*

Sewage Regulations - *The Pennsylvania Sewage Facilities Act Number 537 and appropriate chapters.*

Shellfish Control Authority - *A state, federal, foreign, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.*

Shellstock - *Raw, in-shell molluscan shellfish.*

Shucked Shellfish - *Molluscan shellfish that have one or both shells removed.*

Single-service Article - *Any utensil, container, implement, or wrapper intended for use only once in the preparation, storage, display, service, or consumption of food or beverage.*

Slacking - *The process of moderating the temperature of a food such as allowing a food to gradually increase from*

a temperature of -10E F (-23E C) to 25E F (-4E C) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as spinach.

Smooth - Shall mean:

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

Support Animal - A trained animal such as a Seeing Eye dog that accompanies a person with a disability to assist in managing the disability and enables the person to perform functions that the person would otherwise be unable to perform.

Table-Mounted Equipment - Equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

Temperature Measuring Device - A thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

Temporary Food Establishment - A food establishment 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.

Transient Food Service - Food service where foods are displayed and offered for public consumption on an irregular and short term basis.

Transportation - Movement of food within the food establishment or delivery of food from the food establishment to another place while under the control of the person in charge.

Utensil - Any kitchenware, tableware, glassware, cutlery, containers, or other articles with which food comes in contact during handling.

Vectors - Any rodent, insect or other animal, excluding humans which is capable of carrying or harboring a disease infectious to man.

Vending Machine - Any self-service device offered for public use which, upon insertion of a coin, coins or token, or by similar means, dispenses unit servings of food or beverage either in bulk or in package, without the necessity of replenishing the device between each vending operation.

Vending Machine Location - The room, enclosure, space, or area where one or more vending machines are installed and operated and includes the storage and servicing areas on the premises that are used in conjunction with the vending machines.

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

Water Activity - A measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol a_w .

Wholesome - Food in sound condition, clean, free from adulteration and otherwise suitable for use as a human food.

Wrapped or Packaged Food - Individually packaged food serving where all sides, or all sides of the wrapper or package except one, are sealed or otherwise closed.

2-0 WHOLESOMENESS OF FOODS

2-01 General

2-01.1 *All food and food products including food ingredients, food additives, dietary supplements, non-prescription over-the-counter (OTC) drugs, other ingestible products, drink, and food related products, and food service articles, shall be clean, wholesome and free from contamination, spoilage, hazardous chemicals, rodents, insects, rodent and insect parts, disease causing organisms, and be in sound condition and safe for human consumption and use. All food and food products shall be obtained from sources that comply with the applicable Federal, State, and Local laws relating to food safety and are approved by the Department.*

2-01.2 *No hermetically-sealed, non-acid and low-acid food that has been processed in a place other than a duly licensed commercial food processing establishment shall be used or offered for sale. Hermetically sealed packages shall be handled to maintain product and container integrity.*

2-01.3 *No person shall manufacture, produce, handle, pack, process, use, sell, offer for sale or transport any food that bears or contains a food additive, except as permitted by regulations promulgated by the Secretary of Health and Human Services pursuant to the Federal Food, Drug and Cosmetics Act and by the acts and regulations of the Department of Agriculture of the Commonwealth of Pennsylvania.*

2-01.4 *Food offered for human consumption shall be properly labeled in a way that does not mislead or misinform the consumer and shall not conceal or alter the food establishment or manufacturer's dating information, use food or color additives, colored overwraps, or lights to misrepresent the true appearance, color, or quality of the food.*

2-01.5 *Consumer information, such as nutritional information and consumer warnings required by law, shall be provided. Bulk food that is available for consumer self-dispensing shall be prominently labeled with the manufacturer's or processor's label or other approved method of notification that indicates the common name of the food, lists ingredients in order of predominance including artificial color or flavor and chemical preservatives, if contained in the food, and nutrition labeling, if required by law.*

2-01.6 *Records of the purchase of food and drink shall be held at the establishment or at some other convenient location within the City or other location acceptable to the Department for a period of three (3) months following the date of purchase and shall be available to the Department at all reasonable times.*

2-02 Restrictions

2-02.1 *Refrigerated, ready-to-eat, potentially hazardous food or food ingredients prepared and held for more than 24 hours in a food establishment shall be marked with the date of preparation and shall be discarded if not sold or served within 10 calendar days, except products specifically prepared as approved by the Department to have a shelf-life greater than 10 days.*

2-02.2 *A container of refrigerated, ready-to-eat, potentially hazardous food prepared and packaged by another food establishment shall be marked to indicate the date by which the food shall be sold or served. Such foods shall be discarded if not sold or served within 10 calendar days after the original*

package is opened or by the manufacturer's "sell by" or "use by" date, whichever occurs first. Cured meats, aged cheese, and individual meal portions served or repackaged for sale from a bulk container upon consumer's request are exempt.

2-02.3 *Refrigerated vending machines used to vend ready-to-eat, potentially hazardous food shall be equipped with an automatic shut-off control that is activated at a temperature between 41°F (5°C) and 45°F (7°C). These foods shall be discarded if not sold within 3 days. Foods offered for sale through vending machines shall be dispensed to the consumer in the individual original container or wrapper into which it was placed at the commissary or the manufacturer's plant, or such products shall be dispensed into single-service containers.*

2-02.4 *No food that has been previously served to any persons or returned from any counter or table shall be used in the preparation of foods, offered for sale, or given away. Wrapped, nonperishable food that has not been unwrapped and which is wholesome may be reserved.*

2-02.5 *Frozen foods, once thawed, shall not be refrozen.*

2-03 Dairy Products

2-03.1 *Fluid milk and fluid milk products used or offered for sale shall comply with the Grade "A" standards as established by Title 7, Pennsylvania Code, Chapter 59. Dry milk and milk products used or offered for sale shall be made from pasteurized milk and milk products.*

2-03.2 *Milk and milk products for drinking purposes shall be served in the original commercially filled individual container received from the distributor or from an approved mechanically refrigerated bulk milk dispenser. This requirement shall not apply to portions of less than 2 (one-half) pint of milk or milk products served with coffee, cereals, desserts or similar food requiring milk or cream or their derivatives, which may be served from the original container or from any dispenser, um, container or bottle approved for this purpose.*

2-03.3 *Cheeses made from unpasteurized milk shall be aged for a period of not less than sixty (60) days and maintained at temperatures not less than 35°F (1.7°C). Cheeses that are not aged as above shall be made from pasteurized milk.*

2-04 Nondairy Products

2-04.1 *Nondairy creaming, whitening, or whipping agents may be reconstituted on the premises only when they will be stored in sanitized, covered containers not exceeding one gallon in capacity and coded to 41°F (5°C) or below within two hours after preparation.*

2-04.2 *Nondairy creaming or whitening agents shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.*

2-05 Eggs

2-05.1 *Only clean shell eggs meeting applicable grade standards or pasteurized liquid, frozen or dry eggs, or pasteurized dry egg products shall be used or offered for sale. Whole shell eggs offered for sale*

shall be held at or below 41°F (5°C).

2-05.2 *The use of whole shell eggs for the preparation of foods provided for institutional use shall be prohibited unless subjected to a cooking process that will heat all parts to a minimum internal temperature of 155°F (68.3°C) for 15 seconds.*

2-05.3 *For institutional use the practice of breaking and combining whole shell eggs into a common container for more than one individual order in the preparation of scrambled eggs is prohibited.*

2-06 **Molluscan Shellfish (Oysters, Clams, Mussels)**

2-06.1 *Molluscan shellfish shall be obtained from sources according to law and the requirements specified in the Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Manual of Operations.*

2-06.2 *All shellfish shall be received from dealers that are currently certified and listed in the most current issue of the Interstate Certified Shellfish Shippers List published by the U.S. Food and Drug Administration.*

*Address: U.S. Food and Drug Administration
Shellfish Program Implementation
Branch, HFS-628, 200 "C" Street S.W.
Washington, D.C. 20204*

2-06.3 *Fresh and frozen shucked shellfish shall be received and/or repacked in nonreturnable 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 original container in which they were placed in the shucking, packing or repacking plant until used.*

2-06.4 *Each original container of unshucked shellfish shall be identified by an attached tag that states the name and address of the original shellfish processor, the harvest or depuration site, date of harvest, the kind and quantity of shellfish, and the certification number issued by the State or foreign shellfish control agency, where applicable. Records of the purchase of shellfish shall be kept for a period of 90 days following date of purchase.*

2-07 **Fish**

2-07.1 *Fish may not be received for sale or service unless they are commercially and legally caught or harvested.*

2-08 **Mushrooms**

2-08.1 *Mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by a mushroom identification expert approved by the Department.*

2-08.2 *This section does not apply to cultivated wild mushroom species that are grown, harvested, and processed in an operation or is the product of a food processing plant that is regulated by the food*

regulatory agency that has jurisdiction over the operation.

2-09 Game Animals

2-09.1 *Commercially raised game animals, exotic species of animals and field dressed game animals provided for sale or food service shall be slaughtered, processed, and handled in a manner consistent with the requirements of the Department, the regulatory agency that has animal health jurisdiction, and the agency that conducts the inspection program. Antemortem and postmortem examination by an approved veterinarian or veterinarian's designee shall be provided as required.*

2-10 Ice

2-10.1 *The freezing of water and the handling thereafter shall be performed in accordance with such requirements as the Department may prescribe to prevent contamination of such ice. Only ice that has been manufactured from potable water, and is stored, transported, and handled in a sanitary manner shall be used as an ingredient for food, as a refrigerant in direct contact with food, or offered for sale.*

2-10.2 *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. Ice dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Ice shall be protected from contamination during transportation. Ice transfer receptacles shall be stored in a sanitary manner between uses.*

2-11 Emergency Occurrences

In the event of a fire, flood, power failure, water service shut-off or similar event that may result in the food contamination, food spoilage or exposure of potentially hazardous food to unsafe storage temperatures, the person in charge shall immediately take necessary remedial action to prevent the adulteration of food. The person in charge shall immediately contact the Department to report such an occurrence. Upon receiving notice of this occurrence, the Department shall take whatever action it deems necessary to protect the public health.

2-12 Discarding Food Contaminated by Persons.

Food that is contaminated by employees, consumers, or other persons through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means shall be discarded.

3-0 TEMPERATURE CONTROL

3-01 General

3-01.1 *All potentially hazardous food or drink shall be maintained at safe temperatures: at or below 41°F (5°C) or at 140°F (60°C) or above at all times; except as specified below.*

A. *During necessary periods of preparation, service or transportation, when food may be kept at intermediate temperatures for a total time not to exceed two (2) hours, or as otherwise approved by the Department.*

B. *Potentially hazardous foods, once removed from temperature controls, that are not served within four (4) hours must be discarded.*

3-01.2 *Potentially hazardous foods that are provided for consumer self-service without further cooking, such as salads, sandwiches, and filled pastry products, shall be prepared from products that are at refrigeration temperatures (41°F or below).*

3-01.3 *All refrigerated and hot food equipment shall be equipped with accurate thermometers to monitor the air temperature of the unit to assure the proper temperature maintenance of potentially hazardous foods.*

3-01.4 *Metal stem-type numerically scaled, or other approved indicating thermometers, accurate to plus or minus 2°F or 1°C shall be provided and used to assure that proper temperatures of all potentially hazardous foods are reached and maintained.*

3-01.5 *Where it is impractical to install thermometers on equipment, such as bainmaries, steam tables, steam kettles, heat lamps, calrod units, or insulated food transport carriers, a product thermometer must be available and used to monitor internal food temperatures.*

3-02 Refrigeration

3-02.1 *When potentially hazardous foods are displayed, prepared, transported, or served, a refrigeration system capable of holding all such foods at a temperature below 41°F shall be provided and maintained. All refrigeration systems shall be kept clean and in good repair.*

3-02.2 *Each refrigeration unit used to store potentially hazardous food shall be equipped with an approved thermometer, located in the warmest zone, and readily visible.*

3-02.3 *Foods shall be stored in the refrigerator to permit the free circulation of cold air, and so as to prevent contamination.*

3-02.4 *Ice used for cooling stored food, food containers, food utensils, or cooling tubes conveying beverages or beverage ingredients to a dispenser head shall not be used for human consumption. Ice used in contact with food shall be from approved sources and handled in a sanitary manner.*

3-02.5 **Period of Compliance**

Within five years of the effective date of this regulation refrigeration equipment that by design can effectively maintain food at temperatures no greater than 45°F, but is not capable of maintaining food temperature at 41°F, shall be replaced with approved refrigeration equipment capable of maintaining food at or below 41°F.

3-03 **Frozen Foods**

3-03.1 *Frozen foods on display shall be stored below or behind case fill lines according to the manufacturer's specifications.*

3-03.2 *Frozen foods shall be maintained at or below 0°F (-17.8°C) until removed from storage for dispensing or use. Frozen food being thawed for preparation or use shall be thawed by one or more of the following methods:*

- A. *In a refrigerated unit at a temperature not to exceed 41°F; or*
- B. *Under potable running water at a temperature of 70°F (21°C) or below with sufficient water velocity to agitate and float off loose food particles into the overflow and for a period not to exceed that required to thaw the food, and in no instance shall food be permitted to be above 41°F for more than 4 hours; or*
- C. *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*
- D. *As part of the conventional cooking process; or*
- E. *By any other method satisfactory to the Department.*

3-04 **Exclusions**

3-04.1 *Foods meeting any of the following criteria are exempt from the need for temperature controls:*

- A. *Food having a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less under standard conditions; or*
- B. *Food that is handled in such a manner as to preclude contamination by the growth of pathogenic microorganisms after heat processing such as hermetically sealed canned foods; or*
- C. *Food for which there is other scientific evidence on file with the Department demonstrating that the specific product will not support the growth of pathogenic microorganisms.*

Food products, including synthetic custard-filled products, which meet the 3 above criteria may be labeled to state that refrigeration is not required.

3-05 *Transportation*

Potentially hazardous food to be transported shall be pre-chilled and held at a temperature of 41°F or below unless maintained in accordance with the hot storage requirements of this regulation.

3-06 *Destruction Of Organisms of Public Health Concern*

3-06.1 *Heat Treatment*

Potentially hazardous foods that require cooking or smoking shall be cooked to heat all parts of the food to a temperature of 145°F (63°C) or above for 15 seconds, except that:

- A. *Field dressed game, poultry, poultry stuffing, stuffed meats, and stuffing containing meat shall be cooked to heat all parts of the food to at least 165°F (73.9°C) with no interruption of the initial cooking process.*
- B. *All pork, pork products, game animals, comminuted fish or meat, and any food containing pork or eggs, shall be heated to an internal temperature of 155°F (68.3°C); unless the pork or pork product has been subjected to a prior treatment at the time of manufacture or by subsequent heating, drying, freezing or other treatment to render it free from trichinae organisms.*
- C. *Hamburger patties and other ground meat products shall be heated to ensure that all parts of the product are heated to 155°F (68.3°C).*
- D. *Rare whole roast beef shall be cooked and held to an internal temperature of at least 130°F and shall be prepared at adequate temperatures to destroy pathogens on the surface as described in the following charts.*

Oven Parameters Required for Destruction of Pathogens on the Surface of Roasts of Beef and Corned Beef.

Oven Type	Pre-Heated Oven Temperature	
	Roast Weight Less than or equal to 4.5 kg (10 lbs)	Roast Weight Greater than 4.5 kg (10 lbs)
Still Dry	177°C (350°F)	121°C (250°F)
Convection	163°C (325°F)	163°C (325°F)
High Humidity ¹	less than 121°C (250°F)	less than 121°C (250°F)

¹Relative humidity greater than 90% for at least 1 hour as measured in the cooking chamber or exit of the oven or in

a moisture-impermeable bag that provides 100% humidity.

Further, in order to meet public health requirements for the process cited above, the following table lists the minimum internal temperature of the beef roast for the minimum time the roast needs to be held at such temperature.

Minimum Holding Times for Beef Roasts at Various Internal Temperatures

Minimum Internal Temperature		Minimum Holding Time	Minimum Internal Temperature		Minimum Holding Time
EF	EC	Minutes	EF	EC	Minutes
130	54.4	121	138	58.9	19
131	55.0	97	139	59.5	15
132	55.6	77	140	60.0	12
133	56.1	62	141	60.6	10
134	56.7	47	142	61.1	8
135	57.2	37	143	61.7	6
136	58.8	32	144	62.2	5
137	58.4	24			

3-06.2 Microwave Cooking

Foods cooked in a microwave oven shall be heated to a temperature of at least 170°F (87.8°C) or heated an additional 25°F (14°C) above the specific temperatures required in the above heat treatment section. The food items shall be covered, continuously rotated or stirred or stirred midway through cooking and allowed to stand covered for an additional two (2) minutes after cooking.

3-06.3 Freezing - Parasite Destruction

Before service or sale in ready-to-eat form, raw, marinated, or partially cooked fish, other than molluscan shellfish, shall be frozen throughout to a temperature of:

A. -4°F (-20°C) or below for 168 hours (7 days) in a freezer; or

B. -31°F (-35°C) or below for 15 hours in a blast freezer.

3-07 Cooling

3-07.1 *Potentially hazardous food that requires refrigeration after preparation shall be rapidly cooled to an internal temperature of 41°F (5°C) or below. To promote rapid cooling of foods prepared in large quantities or volume, such methods as the use of shallow pans, agitation, quick chilling, or water circulation external to the food container shall be utilized.*

3-07.2 *Cooked potentially hazardous foods shall be cooled from 140°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 two (2) hours the total cooling time from 140°F to 41°F shall be reduced to 4 hours. Potentially hazardous food prepared from ingredients at ambient temperature, such as reconstituted foods, foods that are mixed together (such as salads) and canned products (such as tuna), must be cooled to 41°F or below within 4 hours. Foods must be protected from contamination while cooling.*

3-08 Reheating

3-08.1 *Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to an internal temperature of 165°F or higher for 15 seconds before being placed in hot food storage holding units.*

3-08.2 *When a microwave oven is used foods shall be covered, rotated or stirred throughout or midway during cooking, heated to a temperature of at least 190°F (87.8°C), and allowed to stand covered for two (2) minutes.*

3-08.3 *Food warmers, steam tables, and other hot food holding units shall not be used for the reheating of potentially hazardous foods.*

3-08.4 *Food reheating shall be accomplished within two (2) hours. Hermetically sealed, ready-to-eat foods shall be reheated to at least 140°F prior to service.*

4-0 STORAGE OF FOOD, UTENSILS AND SUPPLIES

4-01 General

4-01.1 *Food, food products, food ingredients, and food service articles shall be stored in such a manner as to be protected from splash and other contamination. These items must be elevated at least six (6) inches above the floor to provide sufficient space for visual inspection and cleaning.*

4-01.2 *Food, if removed from the immediate closed container in which it was originally packaged, shall be stored in a clean, properly identified covered container, except during necessary periods of preparation. Container covers shall be impervious and nonabsorbent.*

4-01.3 *During periods of storage, meats which have been cut into sections smaller than halves or quarters shall be covered with single-service wrapping material. Quarters or sides of meat, or processed meats such as country hams, slab bacon, and smoked or cured sausages, may be hung uncovered on clean, sanitized hooks or placed on clean, sanitized metal racks in such a manner as to preclude contamination of any food products in storage.*

4-02 Preventing Food and Ingredient Contamination

4-02.1 *Raw potentially hazardous food and unwashed fruits and vegetables shall be stored below ready-to-eat foods or other raw ingredients not requiring heat processing prior to use or consumption.*

4-02.2 *Raw animal foods shall be stored separate from other species of raw animal foods. For example, raw chicken shall be stored separate from raw beef.*

4-02.3 *Raw ready-to-eat foods of animal origin shall be stored separate from other ready-to-eat foods.*

4-03 Bulk Food

4-03.1 *Bulk food, such as cooking oil, syrup, salt, sugar, baking powder, or flour shall be stored in the original product container or package, or stored in an approved, sanitary container identifying the food by common name.*

4-03.2 *Foods in bulk storage shall be stored at least 12 inches from each wall and shall be arranged to provide sufficient aisle space for inspection. Bulk food may be stored on dollies, skids, racks, or open-ended pallets, provided such equipment is easily movable either by hand or with mechanical moving devices. Storage equipment must be designed to facilitate cleaning and inspection. Pallets or similar platforms are restricted for use in the storage of packaged items. Mechanical devices are required to be available to move pallets.*

4-03.3 *Foods in temporary bulk storage for five days or less, that are packaged in cans, glass, or other vermin-proof containers and sealed in shipping cartons may be stored on clean floor surfaces in rooms where the floors are not in need of frequent washing or otherwise subjected to water.*

4-03.4 *Food and containers of food shall not be stored under exposed or unprotected sewer lines, or under water lines that are leaking or on which condensed water has accumulated. Storage under*

automatic fire protection sprinkler heads that may be required by law is permitted.

4-03.5 *Food, food equipment, utensils, or single-service articles shall not be stored in locker rooms, toilet rooms or their vestibules, refuse rooms, or mechanical rooms.*

4-04 **Wet Storage of Food and Beverages**

4-04.1 *Packaged, canned, or bottled foods shall not be stored in undrained ice or submerged in water or other liquids.*

4-04.2 *Wet storage of shellfish is prohibited except for wet storage systems approved by the Department. The installation of wet storage systems shall also require the submission of bacteriological water analysis reports from an approved laboratory at a frequency determined by the Department.*

5-01 General

5-01.1 *Food shall be protected at all times while being stored, prepared, displayed, dispensed, packed, or transported. Food shall be protected from cross-contamination between raw and prepared foods and from potential contamination by insects, insecticides, rodents, rodenticides, probe-type pricing or identification tags, unclean equipment and utensils, unnecessary handling, flooding, draining, and overhead leakage or condensation, or other potentially hazardous substances.*

5-01.2 *Unnecessary contact of exposed ready-to-eat foods by food employees with bare hands shall be prevented by appropriate use of suitable utensils, deli tissue, spatulas, tongs, or single use gloves.*

5-01.3 *If used, single-use gloves shall be used for only one task, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.*

5-01.4 *Slash-resistant gloves that are used to protect hands during operations requiring cutting may only be used in direct contact with food that is subsequently cooked.*

5-01.5 *Single-service articles intended for contact with food shall be made from non-toxic materials and shall be manufactured, packaged, transported, stored and handled in a sanitary manner, and shall be used only once. Drinking straws shall be individually wrapped, or dispensed from a sanitary container. After a single use, single-service articles shall be disposed of in a sanitary manner.*

5-01.6 *Wrapping paper, packaging material, scales, and similar materials shall be protected from contamination when not in use.*

5-01.7 *Food items that are spoiled, that are in damaged containers, that have been returned, or that are being retained by the food establishment because of spoilage, container damage, or other public health considerations shall be separated and held in designated areas pending proper disposition.*

5-01.8 *No live animals or live fowl shall be kept or allowed in any room in which food or drink is served, prepared or stored, except that guide dogs accompanying persons with disabilities may be permitted in dining areas.*

5-01.9 *None of the operations connected with a food establishment shall be conducted in any room used as living or sleeping quarters.*

5-02 Protection from Additives

5-02.1 *Fresh fruits and vegetables intended for raw consumption or food considered to be a good source of vitamin B₁ shall not be treated with sulfiting agents. Grapes are exempt from this restriction.*

5-02.2 *All foods treated with sulfiting agents shall be properly labeled or provided with other approved means of notification to the consumer that the food product is treated with a sulfiting agent.*

5-03 Poisonous or Toxic Materials

5-03.1 *Only such poisonous and toxic materials as required for normal establishment operation and approved by the Department and applicable law for water treatment, food processing, establishment sanitary maintenance, cleaning and sanitizing, may be used or stored in a food service establishment.*

5-03.2 *Poisonous and toxic materials shall be identified, kept in properly labeled containers, and used only in such a manner as to prevent contamination of food and drink, food preparation surfaces, utensils and equipment and so as not to constitute a hazard to employees or customers.*

5-03.3 *No insecticide or other poisonous or deleterious substance, first-aid supplies, or personal medications shall be stored in any room where food or drink is stored, served or prepared; except that a separate cabinet not used for any food purpose may be used for such storage.*

5-03.4 *Only approved food grade lubricants shall be used on equipment designed to receive lubrication of bearings and gears located on or within food contact surfaces to prevent toxic petroleum compounds from contaminating food or food contact surfaces.*

5-03.5 *No polish or other substance containing a cyanide preparation or other poisonous material shall be used for the cleaning or polishing of utensils.*

5-04 **Food Display and Service**

5-04.1 *Sneeze guard protection is required for displayed food subject to contamination by the public when it is not protected by means of packaging, display case enclosure, covered containers for self-service, or other approved means. Unprocessed raw fruits and vegetables are exempt from this requirement. Raw animal food may not be offered for self-service.*

5-04.2 *For self-service of food through counter fronts, buffet lines, or salad bars, sneeze guard partitions must be placed at such an angle as to protect the food contained therein from contamination from the customer's mouth and nose. Sneeze guards need not be provided for transient food service for food offered to the consumer when the following requirements are met:*

- A. *Potentially hazardous foods are held at proper temperatures; and*
- B. *Limited quantities of foods are displayed to ensure rapid turnover; and*
- C. *Refilling the supply of displayed foods must ensure that any previously displayed foods are used first or removed.*
- D. *Display of any product shall not exceed four hours and must be discarded.*

5-04.3 *Where unwrapped or otherwise unprotected foods such as pickles, dried foods, bread and rolls are provided to consumers for self-service sale they shall be kept in cleanable, covered containers.*

5-04.4 *Foods provided for self-service by customers shall require that tongs, forks, spoons, picks, spatulas, scoops, and other suitable similar implements be provided to reduce manual contact with food, and shall be provided in a sanitary manner.*

5-05 **Condiment Dispensing**

5-05.1 *All condiments for self-service or table counter service shall be provided in approved sanitary enclosed dispensers or in an individual single-service package.*

5-05.2 *Ketchup and other sauces may be served in the original pour-type container or squeeze-pour type dispensers.*

5-06 **Consumer Self-Service**

5-06.1 *Potentially hazardous foods provided as part of a self-service salad bar, buffet or other self service unit or display must either be discarded at the end of each day or the following steps must be taken to insure the wholesomeness of the food when carried over from the previous day:*

A. *A written temperature control log for all prepared food items must be maintained during the day's operation.*

B. *Internal temperatures of prepared food products must be recorded on the temperature control log at least every two (2) hours of operation.*

5-06.2 *Self-service consumers shall not be permitted to reuse soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment.*

5-06.3 *Cups, glasses or similar containers may be reused by self-service consumers if refilling is a contamination-free process.*

5-06.4 *Refillable take-home food containers shall not be refilled with potentially hazardous food.*

5-07 **Specialized Processing Methods**

A food establishment shall obtain approval from the Department prior to conducting food processing activities involving the smoking or curing of food, brewing alcoholic beverages, using food additives as a method of food preservation, using a reduced oxygen method of packaging food, custom processing animals that are for personal use as food and not for sale or service in a food establishment, or preparing food by another method that is determined by the Department to require specific approval.

5-08 **Reduced Oxygen Packaging, Criteria**

5-08.1 *An establishment that packages food using a reduced oxygen packaging method shall have a Hazard Analysis Critical Control Point (HACCP) plan approved by the Department and shall contain the following minimum information that:*

A. *Identifies the food to be packaged;*

B. *Limits the food packaged to a food that does not support the growth of Clostridium botulinum because it has: an a_w of 0.91 or less, has a pH of 4.6 or less, is a meat product cured at a processing plant regulated by the U.S. Department of Agriculture using a combination of nitrites, nitrates, and salt that at the time of processing consists of 120 mg/L or higher concentration of sodium nitrite and a brine concentration of at least 3.50% and is received in an intact package,*

or is a food with a high level of competing organisms such as raw meat or raw poultry;

- C. *Specifies methods for maintaining food at 41°F (5°C) or below;*
- D. *Describes how the packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to maintain the food at 41°F (5°C) or below, and discard the food if within 14 calendar days of its packaging it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption;*
- E. *Limits the shelf life to no more than 14 calendar days from packaging to consumption or the original manufacturer's "sell by" or "use by" date, whichever occurs first;*
- F. *Includes operational procedures that:*
 - (1) *Prohibits food contact with bare hands,*
 - (2) *Identify a designated area and the method by which:*
 - (a) *Physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross contamination, and*
 - (b) *Access to the processing equipment is restricted to responsible trained personnel familiar with the potential hazards of the operation, and*
 - (c) *Delineate cleaning and sanitization procedures for food-contact surfaces; and*
- G. *Describes the training program that assures the individual responsible for the reduced oxygen packaging operation understands the:*
 - (1) *Concepts required for a safe operation,*
 - (2) *Equipment and facilities,*
 - (3) *Cross contamination controls, and*
 - (4) *HACCP plan requirements.*

5-08.2 *Except for fish that is frozen before, during, and after packaging, a food establishment may not package fish using a reduced oxygen packaging method.*

6-0 FOOD PREPARATION

6-01 General

6-01.1 *Food preparation and thawing shall not be done in handwashing sinks, warewashing sinks, or service sinks. These operations shall be conducted in designated food preparation sinks which are used for no other purpose.*

6-01.2 *Food shall be prepared with a minimum of manual contact. Food shall be prepared on food-contact surfaces and with utensils which are clean and sanitized.*

6-01.3 *Each time there is a change in processing between raw beef, raw pork, raw poultry or raw seafood, or a change in processing from raw to ready-to-eat foods, each new operation shall begin with food-contact surfaces and utensils which are clean and which have been sanitized.*

6-02 **Raw Fruits and Raw Vegetables**

Raw fruits and raw vegetables that will be cut or combined with other ingredients or otherwise cooked, served, or processed into food products by the food establishment shall be thoroughly cleaned with potable water before being used. Melons, including watermelon, honeydew, and cantaloupe, once cut must be placed under refrigeration and maintained at or below 41°F.

7-0 **INSECT AND RODENT CONTROL**

7-01 *Insects and rodents shall not be present in any part of the establishment. The establishment shall be so constructed as to prevent the entrance of insects and rodents. Effective measures shall be taken to protect against the entrance or breeding of insects or rodents in the establishment premises. Outside openings shall be effectively protected against the entrance of insects and rodents by tight-fitting doors, closed windows, screening, controlled air currents, self-closing mechanisms or other approved means.*

7-02 *Screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of breaks. Screening material for fly control shall not be less than sixteen (16) mesh to the inch and mesh hardware cloth for rodent control shall have openings no larger than one quarter (1/4) inch.*

7-03 *Other methods or devices for the exclusion of insects and rodents may be used in lieu of the above prescribed measures, provided such methods or devices are approved by the Department as to use and installation.*

8-0 SANITARY FACILITIES AND CONTROLS

8-01 Water Supply

8-01.1 *The water supply shall be of a safe, sanitary quality. No person shall use any water for human consumption, the preparation of food, or for sanitary waste disposal purposes with respect to humans, food or food service equipment or utensils except such water as shall come from a public water supply system approved by the Pennsylvania Department of Environmental Resources; or which meets such standards as the Department may prescribe with regard to the materials, supplies, and methods of treating water supplies, the chemical, physical, bacteriological content or quality of water, and the design, installation, operation and maintenance of such water supply systems.*

8-01.2 *Hot and cold running water, under adequate pressure, in amounts adequate to supply the peak demands of the food establishment, shall be provided at all times during which the establishment operates and in all rooms where food is prepared or utensils are washed. Hot running water at a temperature of at least 110°F (43.3°C), but no higher than 125°F (51.7°C), shall be provided.*

8-01.3 *All plumbing and water supply shall conform to the Plumbing Code and regulations adopted thereunder and to any applicable regulations of the Department of Public Health and the Water Department.*

8-01.4 *The use of a nondrinking (non-potable) water supply is approved by the Department only for purposes such as air conditioning, nonfood equipment cooling, fire protection, and irrigation, and may not be used so that the nondrinking water is allowed to contact, directly or indirectly, food, equipment, or utensils.*

8-02 Backflow Prevention

8-02.1 *The food establishment plumbing system shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system. At each point of use in the food establishment, an air gap or approved backflow prevention device is required when a cross connection between a potable water supply and a non-potable water supply, plumbing or drainage system, water receptacle, liquid or other substance, carbonated beverages dispensing equipment, or between the City water supply and any other water supply.*

8-02.2 *An air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment shall be at least twice the diameter of the water supply inlet and may not be less than 25 mm (1 inch).*

8-02.3 *A backflow or back siphonage prevention device installed on a water supply system shall meet American Society of Sanitary Engineers (A.S.S.E.) standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device, and shall be located after the last shut-off valve of the potable water system.*

8-02.4 *A water filter, screen, and other water conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning. A water filter element shall be of the replaceable type.*

8-02.5 *Water treatment devices or backflow preventers shall be scheduled for inspection and service in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions. Records demonstrating inspection and service shall be maintained on the premises or other location acceptable to the Department by the person in charge.*

8-02.6 *The piping of a nondrinking water system shall be durably identified so that it is readily distinguishable from piping that carries drinking water.*

8-03 **Transportation**

All potable water not provided directly to the food establishment from an approved water supply system, when approved by the Department, shall be provided from an alternate water source including approved bottled water or water from transport in a bulk water transport system that shall be delivered to an approved closed-water system. All such systems shall be constructed and operated to ensure water quality in conformance to all applicable federal and state laws and requirements of this Department.

8-04 **Steam**

Steam used in contact with food and food contact surfaces shall be free from any materials or additives other than those specified in 21 Code of Federal Regulations (CFR) 173.310.

8-05 **Water Reservoir of Fogging Devices**

8-05.1 *A reservoir that is used to supply water to a device such as a produce fogger shall be cleaned and maintained in accordance with manufacturer's specifications.*

8-05.2 *Cleaning procedures shall include at least the following steps and shall be conducted at least once a week:*

- A. *Draining and complete disassembly of the water and aerosol contact parts;*
- B. *Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution;*
- C. *Flushing the complete system with water to remove the detergent solution and particulate accumulation; and*
- D. *Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least 50 mg/L hypochlorite solution.*

8-06 **Disposal of Waste and Recyclables**

8-06.1 Plumbing

8-06.1.1 *All liquid wastes shall be disposed of in accordance with the requirements of the Philadelphia Plumbing Code, Health Code, Water Department and regulations thereunder and any other applicable laws, ordinances and regulations.*

8-06.1.2 *Drains from food service equipment such as refrigerators, ice boxes, ice bins, or other receptacles, appliances, devices, or apparatuses which are used for storage, preparation or processing of food and/or food products shall **not** discharge directly into a building drain, soil, or waste pipe, but must be separated by means of an open air break and discharged to an approved indirect waste drain connection. All indirect waste drain fixtures must be located to provide easy access for inspection and cleaning.*

8-06.1.3 *When required, grease traps shall be located to allow for easy access for cleaning and maintenance.*

8-06.2 Refuse Handling and Recycling

8-06.2.1 *With the exception of garbage, refuse shall be removed from the premises of the establishment not less than once per week and more often when necessary. All garbage and refuse containing garbage, or putrescible material, and other material attractive to rodents, insects, and other animals shall be removed from the premises not less frequently than every three (3) days; and shall be handled to prevent attraction and breeding of insects, rodents or other animals. Refuse compactors specifically designed for longer periods of retention and approved by the Department are exempt from this requirement.*

8-06.2.2 *Food establishments producing grindable garbage waste must install a garbage grinder to properly dispose of such waste or recycle the garbage by other approved means. Dumpsters may not be used for the disposal of grindable garbage.*

8-06.2.3 *All refuse shall be stored in containers, enclosures, rooms or areas in an approved manner and shall have adequate capacity to hold the quantity of refuse generated until removed. All storage facilities shall be of sufficient capacity to hold refuse, recyclables, and returnables that accumulate.*

8-06.2.4 *Where provided, a refuse storage room shall have a tightly fitting door, a properly drained impervious floor, and be equipped with a screened air intake and exhaust fan.*

8-06.3 Containers

8-06.3.1 *A receptacle shall be provided in each area of the establishment where refuse is generated or commonly discarded, or where recyclables or returnables are placed. These areas shall not subject food, equipment, utensils, or single-service articles to contamination, create a public health nuisance, attract vermin, or interfere with the cleaning of adjacent space.*

8-06.3.2 *A refuse receptacle may not be located within a vending machine, except that a receptacle for beverage bottle crown closures may be located within a vending machine.*

8-06.3.3 *If disposable towels are used at handwashing sinks, a waste receptacle shall be located at each sink or group of adjacent sinks.*

- 8-06.3.4 *Equipment and receptacles for refuse, recyclables, and returnables and for use with materials containing food residue shall be durable, cleanable, insect and rodent-resistant, leakproof, and nonabsorbent; and shall be kept covered with tight-fitting lids when filled or stored or not in continuous use.*
- 8-06.3.5 *All food establishments that provide immediately consumable foods shall provide self-closing, leak-proof, readily cleanable, plainly labeled and designated waste containers for disposal of customer generated wastes.*
- 8-06.4 **Sanitary Maintenance**
- 8-06.4.1 *Adequate cleaning facilities including hot water and detergent, or steam and waste water drainage shall be provided for equipment, containers, rooms, or areas used for refuse and recyclable handling.*
- 8-06.4.2 *Soiled containers, rooms or areas shall be thoroughly cleaned after each emptying or at a frequency to prevent odors, insect and rodent attraction or harborage.*
- 8-06.4.3 *Liquid waste from compacting or cleaning operations shall be disposed of as sewage.*
- 8-06.4.4 *For containers designed with drains, drain plugs shall be provided and kept in place at all times, except during cleaning. Containers are required to have drains when their size exceeds two (2) cubic yards or when their physical characteristics preclude easy removal of cleaning waste from the container interior.*
- 8-06.4.5 *Exterior refuse storage areas shall be designed to provide easily cleanable surface finishes of an approved type, properly sloped to a sanitary drain, and installed in conformance to requirements of the Plumbing Code to provide for the disposal of liquid waste generated from cleaning the refuse area and for liquid discharge from containers.*
- 8-06.4.6 *Laundry facilities in a food establishment shall be restricted to the washing and drying of linens, cloths, uniforms and aprons necessary to the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided. Separate rooms shall be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.*
- 8-06.4.7 *In all new or extensively renovated food establishments at least one (1) service sink or curbed cleaning facility with a floor drain and proper backflow prevention shall be provided and used for cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. The Department may waive this requirement upon determination that such equipment is not necessary for the proper maintenance of the establishment. Handwashing, warewashing, and food preparation sinks shall not be used as a service sink.*

9-0 HEALTH AND HYGIENE OF EMPLOYEES

9-01 Employee Health

9-01.1 Communicable Disease

9-01.1.1 *No person who is affected with any infection or disease in a communicable form or is a carrier of such an infection or disease shall work in a food establishment. No food establishment shall employ any person affected or suspected of being affected with an infection or disease in a communicable form or of being a carrier of such disease.*

9-01.1.2 *No person affected with boils, infected wounds, open sores, acute respiratory infection, nausea, vomiting or diarrhea shall work in any area of a food establishment in any capacity in which there is a likelihood of contaminating food or food contact surfaces with pathogenic organisms.*

9-01.1.3 *If the responsible person in a food establishment suspects that any employee has contracted any infection or disease in a communicable form or has become a carrier of such infection or disease, the responsible person shall notify the Department immediately.*

9-01.2 Procedure When Disease Transmission is Suspected

9-01.2.1 *When the Department has reasonable cause to suspect possible disease transmission by an employee of a food establishment, it may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action.*

9-01.2.2 *The Department may require any or all of the following measures:*

- A. *Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;*
- B. *The immediate exclusion of the employee from the food establishment;*
- C. *Adequate medical examinations of the employee and associates, with laboratory examinations as may be indicated.*
- D. *The immediate closing of the food establishment concerned until no further danger of disease outbreak exists in the opinion of the Department.*

9-02 Hygiene Practices

9-02.1 *Employees shall wash their hands immediately prior to the handling of foods, beverages, ingredients, or touching product contact surfaces of utensils, containers, or equipment. Handwashing sinks shall be available where such operations are conducted. In establishments where the Department determines that hand washing sinks are not required, pre-packaged towelettes must be provided for hand cleaning.*

9-02.2 *All employees shall maintain a high degree of personal cleanliness and shall conform to good*

hygienic practices during all working periods. Employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment; and shall, while engaged in the preparation of food, wear a suitable head covering or hair restraint to protect the food from contamination.

9-02.3 *Employees shall not expectorate or use tobacco in rooms in which food is stored, prepared, handled, or served. Employees shall keep their fingernails clean and neatly trimmed. Employees shall not wear jewelry in a manner which could contaminate or become incorporated in the food.*

9-02.4 *Employees shall consume food only in designated dining areas. An employee dining area shall not be so designated if consuming food there may result in contamination of other food, equipment, utensils, or other items needing protection.*

9-03 **Dressing Rooms and Locker Areas**

9-03.1 *Facilities shall be supplied for the storing and hanging of employees' clothing and such facilities shall be kept clean. These facilities shall be separate from rooms where food or drink is prepared unless placed in a closet or an enclosed compartment.*

9-03.2 *Table cloths, napkins and other table linens shall be clean, stored and handled in such a manner as to prevent their contamination or soiling prior to use.*

9-03.3 *Soiled linens, coats and aprons shall be kept in approved containers provided for that purpose.*

9-04 **Wiping Cloths and Sponges**

The use of moist sponges for wiping food spills on equipment and food contact surfaces is prohibited. Single-service disposable towels are permitted in lieu of wiping cloths or sponges if they are discarded after each use. Use of wiping cloths are permitted provided that:

- A. *The cloth intended for use for manual cleaning is stored in a properly labeled container of a detergent solution that is maintained in clean condition and;*
- B. *For sanitization of equipment or work surfaces following cleaning, a separate cloth is maintained in a properly labeled container of a sanitizing solution.*

10-0 CLEANING AND SANITIZING OF EQUIPMENT AND UTENSILS

10-01 Manual Warewashing Facilities

10-01.1 *Every establishment shall be equipped with a sink with hot and cold running water for the cleaning of food service utensils and equipment. Manual washing and sanitization of multi-use utensils shall be done in approved equipment which shall consist of a sink of three (3) compartments, with each compartment of adequate size to permit the complete immersion of utensils and equipment.*

10-01.2 *Stationary or mechanical glass washing brushes are required for the manual washing of glasses.*

10-01.3 *Where the only utensils to be washed are spatulas, tongs, and similar devices, and where the only equipment to be cleaned is stationary and does not require disassembly for proper cleaning, a one-compartment sink may be used as approved by the Department.*

10-01.4 *Adequate equipment and facilities shall be provided for proper storage and handling of soiled equipment and utensils and for storage of equipment and utensils following cleaning and sanitizing. Clean utensil storage equipment shall be located so as not to interfere with proper use of the warewashing equipment, nor provide exposure to contamination or resoling of cleaned equipment and utensils. Utensil storage equipment may include drain boards, easily movable utensil tables, and stationary and mobile racks of adequate size.*

10-01.5 Period of Compliance

The requirement that all establishments that engage in manual washing, rinsing, and sanitizing of utensils and equipment provide and use a sink with not fewer than three compartments, shall take effect 2 years after the effective date of these regulations.

10-02 Cleaning Frequency and Sanitization Requirements

10-02.1 *All food service equipment, utensils, work surfaces, food storage and display equipment and auxiliary food equipment not requiring sanitization shall be cleaned at least daily or more as often as required to remove accumulated soil, dirt, food residue and foreign substances. Cleaning shall consist of using a solution of hot water and a sufficient concentration of detergent or other effective cleaning agent, and followed by rinsing with clean water.*

10-02.2 *All multi-use utensils for use by patrons and all utensils, equipment and work surfaces in contact with potentially hazardous food shall be subjected to a thorough cleaning and sanitization using a bactericidal treatment approved by the Department after:*

- A. *Each patron use of a multi-use utensil;*
- B. *Each time there is a change in handling between raw beef, raw pork, raw poultry or raw seafood, and after handling raw food and prior to handling ready-to-eat foods;*
- C. *Any interruption of operations during which time contamination may have occurred; and*

- D. *A minimum of every 4 hours of continuous use when temperature control measures for the equipment and ambient environment are not at safe temperatures.*
- E. *Before use when utensils that are not used daily are removed from storage.*
- F. *The end of each working day for all other equipment, utensils or work surfaces that do not meet the criteria of items A through E.*

10-02.3 *Cleaning and sanitization shall consist of removing the particles of food and foreign substances followed by washing in clean hot water. This water shall contain sufficient concentration of detergent, or other effective cleaning agent to remove the soil from the object being cleaned. Immediately after such washing the object shall be rinsed with clean water and subjected to an approved bactericidal process as described below to provide effective sanitization. All such washing and sanitizing procedures shall be performed in equipment approved for such purpose.*

10-02.4 *The Department shall add to or remove from this list any bactericidal process after chemical and bacteriological tests and field trials demonstrate its efficiency or lack of efficiency in sanitizing multi-use utensils.*

10-02.5 *No compound or method shall be used in the washing or sanitizing process unless it has been demonstrated that no toxic residue is left in its normal manner of use. No bactericidal agent for sanitization shall be used for which there is not available a satisfactory field test for the determination of the concentration of the bactericidal agent in the sanitizing solution.*

10-03 **Air-drying**

After sanitization the object so treated shall be placed to drain and air-dry prior to storage.

10-04 **Oversize Equipment**

When immersion of equipment and utensils in a sink compartment is determined by the Department to be impractical due to size or when fixed equipment requires washing and sanitizing; such items shall be cleaned manually or cleaned through pressure spray methods or by other means approved by the Department. Such items shall be sanitized by rinsing, spraying or swabbing with an approved chemical sanitizing solution, or exposure to steam free of materials or additives other than those approved by the Department.

10-05 **Automatic Washing**

10-05.1 *Dishwashing, utensil washing and automatic low temperature glass washing machines shall be of such material and so designed and constructed as to be easily cleanable, and shall be capable of rendering all surfaces of equipment and utensils clean and sanitized, subject to approval of the Department.*

10-05.2 *All automatic warewashing machines shall be equipped with: a data plate that specifies the proper operation of the machine; automatically timed wash and final rinse cycles; and an easily readable thermometer for each tank of the machine and for the final rinse water as it enters the manifold. Thermometers shall indicate to an accuracy of plus or minus 3°F.*

10-05.3 *Automatic detergent dispensers, if used, shall be kept in proper operating condition.*

10-05.4 *Any other type of machine, device, facilities and procedures may be approved by the Department for cleaning or sanitizing equipment and utensils if it can be readily established that such machine, device, facilities and procedures will routinely render equipment and utensils clean to sight and touch and provide effective bactericidal treatment.*

10-06 **Boiler Water Additives and Chemical Sanitizing Solutions**

10-06.1 *Boiler water additives and chemical sanitizing solutions used in a food establishment shall be used in accordance with the provisions set forth in the Code of Federal Regulations, Title 21, 173.310 and 178.1010.*

10-06.2 *Sanitizing agents used in food establishments shall be labeled and used in accordance with the manufacturer directions and labeling requirements of the Federal Insecticide, Fungicide and Rodenticide Act 7 United States Code (U.S.C.) 135 et seq.*

10-06.3 *A test kit or other device that accurately measures the parts per million (PPM) concentration of the solution and a thermometer accurate to plus or minus 3EF to check water temperature shall be provided and used.*

10-07 **Storage and Handling of Utensils and Equipment**

10-07.1 *After cleaning and sanitization, utensils shall be stored in a clean, dry place protected from vermin, dust and other contamination, and shall be handled in such a manner as to prevent contamination.*

10-07.2 *Scoops, paddles or dippers used to dispense food shall be:*

A. *Stored in the food with the dispensing utensil handle extended out of the food; or*

B. *Stored dry upon cleaning after each use; or*

C. *Stored immersed in a receptacle with a constant flow of clear running water; or*

D. *Store in a manner satisfactory to the Department.*

10-07.3 *Glasses and cups shall be stored inverted. Other stored utensils shall be covered or 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.*

10-08 **Single-service Utensils**

Single-service utensils shall be purchased only in sanitary containers and stored in a clean, dry place until used. Single serve utensils shall be handled in a sanitary manner and be protected from manual contact, dust, vermin and other contamination.

11-0 DESIGN, CONSTRUCTION, MATERIALS, REPAIR AND MAINTENANCE OF UTENSILS AND

EQUIPMENT

11-01 General

11-01.1 *All equipment shall be designed, installed and operated in accordance with the sanitation criteria set forth by the National Sanitation Foundation, National Automatic Merchandising Association, Baking Industry Sanitation Standards Committee, the Committee for 3-A Sanitary Standards for Dairy Equipment, Commercial Refrigeration Manufacturers Association or equivalent nationally recognized testing laboratory or agency, and minimum design standards as approved by this Department.*

11-01.2 *All food service equipment, utensils, food storage and display equipment, and auxiliary equipment used in a food establishment shall be constructed as to be easily cleanable, maintained in good repair, operated in a sanitary manner, and be designed to minimize the entrance of insects, rodents, dust, or moisture.*

11-01.3 *All equipment and utensils, including plasticware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, rusting, pitting, chipping, and crazing.*

11-01.4 *All surfaces that come into contact with food and drink shall not allow migration of deleterious substances or impart colors, odors, or tastes. Surfaces must be made of smooth, relatively non-absorbent, corrosion resistant, non-toxic material, and be kept in good repair and free of breaks, chips, cracks, rough areas, corrosion, and open seams. Equipment and utensils shall be capable of being readily disassembled or of being cleaned in place and able to withstand repeated cleaning and approved bactericidal treatment.*

11-01.5 *Food contact surfaces shall drain freely and shall be easily accessible for cleaning, servicing, and inspection.*

11-01.6 *Cutting surfaces subject to scratching and scoring must be able to be resurfaced, or must be discarded when these surfaces can no longer be effectively cleaned and sanitized.*

11-02 Materials

11-02.1 Solder

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

11-02.2 Plastics/Rubber

11-02.2.1 *Safe non-toxic, plastic, rubber, or rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping, and distortion; that are of sufficient weight and thickness to permit cleaning and sanitizing by normal warewashing methods; and that meet the general requirements of this regulation, are permitted for repeated use.*

11-02.2.2 *Wicker and plastic woven type breadbaskets, when suitably lined with a clean disposable material or*

a clean washable material, may be used for unwrapped food.

11-02.3 Wood

Wood shall not be used as a food-contact surface, except for contact with raw fruits, raw vegetables, and nuts in the shell or for use as single-service articles such as chop sticks or stirrers; except that hard maple or equivalent nonabsorbent wood that meets the general requirements of this regulation may be used for cutting blocks, cutting boards, and bakers' tables.

11-02.4 Mollusk and Crustacea Shells

Mollusk and crustacea shells may be used only once as a serving container. Further use of such shells for food service is prohibited.

11-03 Design and Fabrication

11-03.1 *Equipment design shall preclude the contamination of food and food contact surfaces and when appropriate shall include such features as noted below.*

- A. *An opening located within the top of a unit of equipment that is designed for use with a cover or lid shall be flanged upward at least 5 millimeters (two-tenths of an inch). A cover or lid for equipment shall overlap the opening and be sloped to drain.*
- B. *Fixed piping, temperature measuring devices, rotary shafts, and other parts extending into equipment shall be provided with a watertight joint at the point where the item enters the equipment.*
- C. *If a watertight joint is not provided; the piping, temperature measuring devices, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from food openings; and the opening shall be flanged.*
- D. *Equipment that contains bearings and gears that require lubricants other than approved food grade lubricants shall be designed and constructed so that the lubricant cannot leak, drip or be forced into food or onto food contact surfaces.*
- E. *Equipment that dispenses or vends liquid food or ice in unpackaged form shall conform to the following:*
 - (1) *The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the food shall be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food;*
 - (2) *The delivery tube, chute, and orifice shall be protected from manual contact such as by being recessed;*
 - (3) *The delivery tube or chute and orifice of equipment used to vend liquid food or ice in unpackaged form to self-service consumers shall be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing*

door if the equipment is:

(a) Located in an area that is outside the confines of a regulated food establishment which otherwise affords protection against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment, or

(b) Available for self-service during hours when it is not under the full-time supervision of a food employee; and

(4) The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

11-04 Thermometers

11-04.1 Temperature measuring devices shall be designed to be easily readable, have a numerical scale, printed record, or digital readout in increments no greater than 2°F or 1°C and shall be calibrated in accordance with manufacturer's specifications as necessary to assure their accuracy.

11-04.2 Ambient temperature measuring devices that are scaled in Celsius or dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to " 1.5°C (2.7° F) at the use range. Ambient temperature measuring devices that are scaled only in Fahrenheit shall be accurate to" 3°F at the use range.

11-04.3 In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device shall be located to measure the air temperature in the warmest part of a mechanically refrigerated unit and in the coldest part of a hot food storage unit.

11-04.4 Cold or hot holding equipment used for potentially hazardous food shall be equipped with at least one integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.

11-04.5 Food product thermometers made of glass and filled with mercury or other fluids are prohibited, except that thermometers with glass sensors or stems that are encased in shatter proof coating may be used.

11-05 Existing Equipment

Equipment installed in a food establishment prior to the effective date of these regulations that does not fully comply with current applicable design standards shall be evaluated for approved use based upon its sanitary and physical condition, capacity to maintain all temperature requirements and suitability of food-contact surfaces.

11-06 Accessibility

Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection by any of the following:

A. *Without being disassembled; or*

- B. *By disassembly without the need of tools; or*
- C. *By easy disassembly with the use only of simple tools such as a mallet, screwdriver, or open-end wrench kept available near the equipment.*

11-07 In-Place Cleaning

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

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

11-08 Pressure Spray Cleaning

Fixed equipment designed and fabricated to be cleaned and sanitized by pressure spray methods shall have sealed electrical wiring, switches, and connections.

11-09 Installation and Location

11-09.1 *All stoves, grills and other heating and hot holding equipment as determined by the Department shall be equipped with approved barriers to protect the public from contact with hot surfaces.*

11-09.2 *Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewer lines, water lines that are leaking or on which condensate water may accumulate, open stairwells, or other sources of contamination.*

11-09.3 *Equipment shall be installed and maintained in such a manner as to prevent the harboring of rodents and insects and to facilitate cleaning operations. Equipment installation shall conform to at least one of the following categories:*

A. Moveable/Portable Equipment

- (1) *small and light enough to be moved easily by one person for normal daily cleaning; or*
- (2) *mounted on wheels or casters and easily moved by one person for normal daily cleaning; and*
- (3) *has no utility connection, or a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning.*

B. Table Mounted Equipment

- (1) *Equipment that is placed on tables or counters, unless portable, shall be sealed to the*

table or counter or elevated on legs to provide at least a four (4) inch clearance between the table or counter and equipment and shall be installed to facilitate the cleaning of the equipment and adjacent areas.

- (2) *Table-mounted equipment, such as power mixers, grinders, slicers, tenderizers, and similar equipment shall be readily moveable, or shall be equipped with a mechanical means of safely tilting the unit for cleaning.*

C. Floor Mounted Equipment

Floor-mounted equipment, unless moveable, shall be:

- (1) *Sealed using approved trim and/or adhesive/sealant when sufficient space is not provided for easy cleaning between, behind and above each unit of fixed equipment. The space between the equipment and adjoining equipment units and adjacent walls or ceilings shall be not more than 1/32 inch. Equipment exposed to seepage, splash or any wet condition shall be sealed to the adjoining equipment or adjacent floor, walls or ceiling in a sanitary manner.*
- (2) *Installed on a raised platform of concrete, masonry or approved material that is properly finished and meets all requirements for floor clearance and permits proper sealing of the equipment; or*
- (3) *Spaced by one or more of the following means to provide adequate clearance from the floor, walls or adjacent equipment to permit easy access to all adjacent areas for cleaning:*
 - (a) *elevated on legs to provide at least a six (6) inch clearance between the floor and equipment, except that vertically mounted floor mixers may be elevated to provide at least a four (4) inch clearance between the floor and equipment if no part of the floor under the mixer is more than six (6) inches from cleaning access.*
 - (b) *spaced at least six (6) inches from the wall when free access to both sides of the equipment is provided.*
 - (c) *equipment exceeding four linear feet in length shall be spaced so to provide additional space from adjacent wall surfaces to provide adequate cleaning access.*

11-10 Aisles and Working Spaces

Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties without contamination of food or food-contact surfaces by clothing or personal contact. All moveable storage equipment such as pallets, racks, and dollies shall be positioned to permit accessibility to working areas.

12-0 TOILET FACILITIES

12-01 General

12-01.1 *On premise toilet facilities shall be provided for the proprietor and employees of the establishment. Toilet facilities for patrons shall be provided on the premises when service or facilities are provided for the consumption of food within the establishment. Such toilet facilities shall be conveniently located and be adequate to provide for the number of employees working in the establishment and for the permitted number of patrons, but shall consist of at least one toilet and not fewer than the number of toilet rooms and fixtures required by the Philadelphia Plumbing Code.*

12-01.2 *Toilet facilities need not be provided for patrons where only carry-out food is provided and there is no consumption of food within the establishment.*

12-01.3 *Toilet facilities shall not be located so as to require the patrons to pass through any food preparation area or to exit the building structure to gain access to the toilet facilities.*

12-01.4 *When approved by the Department, the establishment may be authorized to use toilet facilities not located directly within the establishment provided that alternate toilet facilities are conveniently located and meet all other requirements.*

12-01.5 Toilet Room Equipment

- A. *Toilet room doors shall be self-closing.*
- B. *Toilet rooms shall be equipped with an appropriate number of handwashing sinks, provided with hot and cold running water, soap and single use towels and approved waste receptacles.*
- C. *Toilet tissue shall be provided.*
- D. *Facilities shall be provided for sanitary napkins in toilet rooms for women.*
- E. *Toilet rooms shall be constructed with easily washable floors and walls and shall be kept clean, well illuminated and in good repair.*
- F. *Toilet rooms shall be ventilated to the outside air as prescribed in the Philadelphia Plumbing Code and discharge vents shall conform to the requirements of the Air Management Code (Title 3 of the Philadelphia Code).*
- G. *Durable legible signs shall be posted conspicuously in each toilet room directing employees to wash their hands before returning to work.*

12-01.6 *When a food establishment is part of a building, complex, mall, retail market or retail establishment that does not require the patron to leave the building upon food purchase and where adequate public toilet facilities are provided, then patron toilet facilities need not be provided within the individual food establishment when approved by the Department.*

12-02 Handwashing Facilities

12-02.1 *A handwashing sink shall be located to allow convenient use by employees in all food preparation, food dispensing, and warewashing areas; and in toilet rooms.*

12-02.2 *A handwashing sink shall be maintained so that it is accessible at all times for employee use. A handwashing sink may not be used for purposes other than handwashing.*

13-0 FLOORS, WALLS AND CEILINGS

13-01 Floors

13-01.1 *The floors in all rooms in which food or drink is stored, prepared, or handled, and where utensils are washed shall be constructed so as to be easily cleanable, free of open holes or cracks, and maintained in good repair. Janitorial and custodial areas, employee dressing and locker areas, as well as all toilet and lavatory areas shall also meet these requirements. Floors shall be kept clean by dustless methods.*

13-01.2 *The juncture between the floor and wall shall be sealed and covered.*

13-01.3 *Floors designed and subjected to spray washing or flushing shall be constructed of materials designed for this purpose; sealed, covered, and graded to drain so that liquid wastes are quickly carried away; and pooling hazards and nuisances are prevented.*

13-01.4 Supplemental Flooring - Mats and Duckboards

Mats and duckboards shall be constructed of nonabsorbent, grease resistant materials and of such size, design, and construction to facilitate easy cleaning and shall be kept in good repair. Duckboards shall not be used as storage racks.

13-01.5 Prohibited Floor Covering

- A. *Carpeting is prohibited in food preparation, food storage and warewashing areas and in toilet room areas where urinals, toilet fixtures and handwashing facilities are located.*
- B. *Sawdust, wood shavings, peanut hulls, 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.*

13-02 Walls and Ceilings

The walls and ceilings of all rooms shall be kept clean and in good repair. The walls and ceilings of rooms in which food is stored, prepared, or where utensils are washed shall be smooth, constructed of washable material, and finished in a color that will not conceal the presence of soil or dirt.

13-03 Utility Line Installation

Utility line penetrations of floors, walls and ceilings shall be sealed in a sanitary manner. Utility service

lines and pipes shall be installed so as not to obstruct or prevent cleaning of adjacent surfaces. Overhead utility service lines and mechanical ducts must be designed and installed to provide access for inspection and cleaning.

13-04 Cleaning Physical Facilities

13-04.1 Cleaning of floors, walls, and ceilings shall be done as often as necessary to maintain the sanitary condition of these surfaces, and in such a manner so as not to contaminate food or food contact surfaces when in use.

13-04.2 Where food and food products may be subject to contamination by cleaning methods such as brushing and sweeping, only dustless methods of cleaning floors, walls, and ceilings shall be used, such as vacuum cleaning, wet cleaning or treated dust mopping. Wall and ceiling attachments such as light fixtures, vent covers, fans, decorative materials, signs and advertising materials shall be kept clean.

13-04.3 Only articles necessary for the operation and maintenance of the establishment shall be stored on the premises.

14-0 LIGHTING

14-01 General

14-01.1 All working surfaces on which food or drink is prepared and in which utensils are washed shall be provided with natural and/or artificial light sufficient to provide illumination of at least fifty (50) foot candles (540 lux). Rooms used only for food storage shall be provided with sufficient light to provide illumination of at least twenty (20) foot candles (220 lux) at a point thirty (30) inches above the floor level. In all other areas a minimum light level of ten (10) foot candles (110 lux) at a distance of 30 inches above the floor shall be provided to permit safe passage, cleaning and inspection.

14-01.2 In areas where fresh produce or packaged foods are sold or offered for consumption; areas used for handwashing, warewashing equipment and utensil storage; and in toilet rooms, a minimum illumination of 20 foot candles at a distance of 30 inches above the floor shall be provided.

14-01.3 At a surface where a food employee is working with unpackaged potentially hazardous food, or with food, utensils, and equipment such as knives, slicers, grinders, or saws where employee safety is a factor, at least 50 foot candles shall be provided.

14-02 Protective Shielding

14-02.1 Lamps or light fixtures located over or within food storage, food preparation, and food display facilities, and facilities where utensils and equipment are cleaned and stored shall be shielded, coated or otherwise shatter resistant. Retail and areas used exclusively for prepackaged food are exempt from this requirement.

14-02.2 Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

15-0 VENTILATION

15-01 *All rooms in which food or drink is prepared, stored, or served; or in which utensils are washed shall be kept free of objectionable odors, condensate and excess moisture.*

15-02 *Rooms in which food or drink is prepared shall be provided with mechanical ventilation sufficient to remove objectionable odors and vapors, and to prevent condensation and the accumulation of grease on walls, ceiling and fixtures.*

15-03 *All mechanical ventilation devices including blowers, canopies, hoods, and ducts shall be so constructed as to be easily cleanable and shall be cleaned as often as needed to prevent grease or other materials from dropping into food or onto food preparation surfaces.*

15-04 *All exhaust outlets from mechanical ventilation devices shall be conducted to the outside air and shall be so arranged, placed and extended as to avoid creating a nuisance to adjacent areas as prescribed by the Air Management Code (Title 3 of the Philadelphia Code) and regulations thereunder.*

15-05 *Exhaust ventilation hood systems in food preparation and warewashing areas including components such as hoods, fans, guards, and ducting shall be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, and single-service and single-use articles.*

15-06 *All ducts in ventilation hoods shall be provided with filters that are readily removable for cleaning and replacement, except for those systems designed to be effectively self-cleaning.*

15-07 *Where intake or exhaust air ducts are used, they shall be designed and maintained so as to prevent the entrance of dust, dirt, vermin, or other contaminating materials.*

16-0 PROCESS CONTROLS

All food processing and manufacturing operations that require heat, cold, radiation or other physical means to destroy or inactivate microbiological organisms shall have suitable process controls as may be required by the Department.

17-0 OUTER PREMISES

The surrounding outer premises of the food establishment shall be kept clean and free of litter, refuse,

and all other conditions that may serve as rodent, insect, or animal attraction or harborage. All exterior areas shall be properly drained and surfaces in such areas shall be finished so as to facilitate maintenance and to minimize dust.

18-0 PLAN REVIEW

18-01 Requirements

18-01.1 *Before work is begun in the construction, remodeling, or alteration of a food establishment, or in the conversion of an existing premise to a food establishment; properly prepared and sufficiently detailed plans and specifications shall be submitted to and approved by the Department. The plans and specifications shall include, where applicable, data relating to the grounds, buildings, equipment, sewage disposal, water supply, refuse disposal, and such other information as may be required by the Department.*

18-01.2 *Establishments that offer for sale only prepackaged food shall be exempt from the plan review requirement provided that:*

A *food sales are not the principal enterprise of the establishment, and;*

B. *less than 15% of the retail display area is used for food.*

18-02 Pre-Operational Inspection

Whenever plans and specifications are required by the Department, an inspection of the food establishment must be conducted prior to the start of the food handling operation to determine compliance with the approved plans and specifications.

19-0. FOOD ESTABLISHMENT PERSONNEL FOOD SAFETY CERTIFICATION

19-01 General

19-01.1 *After September 1, 1996, no person shall operate a food establishment that handles, prepares and serves non-prepackaged potentially hazardous food who does not have present and in its employ at all hours of operation at least one (1) person with a valid Food Establishment Personnel Food Safety Certificate issued by the Department.*

19-01.2 *When the licensed premise has more than one location in which food preparation activities occur, then each location shall be staffed by a certified individual.*

19-01.3 *The certificate(s) shall be conspicuously posted.*

19-01.4 Exemptions

This requirement does not apply to:

- A. *railroad cars in interstate transit;*
- B. *portions of food establishments inspected by the United States Department of Agriculture;*
- C. *bed and breakfast establishments;*
- D. *temporary food establishments;*
- E. *establishments that handle only potentially hazardous food which has been commercially prepared and prepackaged and is served in the original packaging, without further handling;*
- F. *establishments that have applied for and have received exemption due to demonstration that the protection of the public health does not require the presence of a certified food establishment employee.*

19-02. Compliance

The food establishment shall immediately notify in writing the Department of non-compliance due to the absence of a required certified individual. The establishment shall state reasons for non-compliance and steps being taken to timely comply. The food establishment shall have three months from the date of non-compliance to take the necessary steps to come into compliance and shall notify the Department of the certified individual(s) employed to obtain compliance.

19-03 Issuance of the Food Establishment Food Safety Certificate

19-03.1 *Any person desiring to obtain the Food Establishment Food Safety Personnel Certificate issued by the Department shall submit the required application form supplied by the Department and established fee.*

19-03.2 *Approval for issuance of the certificate shall be based upon compliance and submission of appropriate documentation noted below:*

- A. *Applicant has successfully completed a food safety training program acceptable to the Department and is in compliance with the standards of the approved training program at the time of application;*
- B. *Applicant has successfully passed a proficiency test offered by or approved by the Department;*
- C. *Applicant has successfully completed an academic program acceptable to the Department that includes food safety and sanitation training.*

19-04 Period of Certification

Certification shall be valid for a period of five years. Recertification shall require proof of attendance at courses approved by the Department.

19-05 Self Inspection

19-05.1 *The certified food establishment responsible individual shall conduct or cause to be conducted a self-inspection of the food establishment premises at least every three months. The self-inspection shall include examination and evaluation of:*

- A. The interior and exterior of the premises, including the condition and state of repair of the physical structure as it relates to sanitary maintenance of the facility and equipment and the prevention and control of insect and rodent entry into the premises;*
- B. The manner in which food is handled, stored, processed, manufactured, transported, or served to ensure that is not subject to contamination and that proper temperature controls are maintained.*

19-05.2 *The self-inspection forms and other appropriate records and documentation relating to the initiation and completion of improvements identified as a result of self-inspection shall be maintained and available for review by the Department for a minimum of one (1) year.*

19-06 Department Notification of a Suspected Foodborne Illness and Other Emergency Occurrences

19-06.1 *A suspected or confirmed foodborne illness reported to the food establishment shall be reported immediately to the Department, but shall in no event be more than forty-eight hours.*

19-06.2 *Samples of food and food products in the establishment related to the reported foodborne illness shall be segregated and properly stored, and may not be removed or discarded without approval of the Department.*

19-06.3 *The occurrence of a fire, flood, or power outage of two or more hours, or similar event shall be reported to the Department immediately if other responsible establishment management is unavailable.*

20-0 VENDING MACHINES AND FOOD ESTABLISHMENTS WITHOUT PERMANENT LOCATION

20-01 General

20-01.1 *Vending machines and non-permanent food operations shall be supplied with liquid waste storage tanks of adequate size to contain the waste water from refrigerators, drains, sinks and other equipment during one full day of operation.*

20-01.2 *Capacity of the liquid waste storage tank shall be 15% larger than the anticipated liquid waste production capacity.*

20-01.3 *Vending machines shall be provided with an automatic shut-off device which will place the vending machine out of operation before such container overflows.*

20-02 Mobile Food Units

20-02.1 *No food, food containers, wrappers, or packaging material or utensils shall be kept in the driver's*

compartment of any vehicle. The driver's compartment shall be separated by a complete partition from the area used for food preparation, service or storage.

- 20-02.2 *When requested and where applicable the operator of the unit must submit to the Department a current copy of the State Registration of the vehicle and a current list of the proposed food service locations and approximate arrival times to those locations.*
- 20-02.3 *Non-Permanent Food Establishments shall transport and store water in approved containers, and shall handle and dispense water in sanitary manner. Such establishments shall be equipped with a storage tank for fresh potable water and shall provide a minimum storage capacity as approved by this Department appropriate to the food service operation. Additional water supply capacity may be required by the Department when necessary for cleaning or culinary purposes.*
- 20-02.4 *Foods, beverages, and ingredients from commissaries located outside of the limits of the City of Philadelphia may be sold in Philadelphia if such commissaries conform to these regulations or their equivalent.*
- 20-02.5 *The Department may accept reports from the responsible Health authority in the jurisdiction where the commissary is located in order to determine the extent of compliance with such regulations.*
- 20-02.6 **Water Supply**
- A. *A mobile water tank shall be enclosed from the filling inlet to the discharge outlet; and sloped to an outlet that allows complete drainage of the tank. The water tank inlet shall be positioned so that it is protected from contaminants such as waste discharge, road dust, oil, or grease.*
- B. *A mobile food establishment's water tank inlet shall be three-fourths inch (19.1 mm) in inner diameter or less; and provided with a hose connection of a size or type that will prevent its use for any other service.*
- C. *A fitting with "v" type threads on a water tank inlet or outlet may be allowed only when a hose is permanently attached. If provided, a water tank vent shall terminate in a downward direction and shall be covered with:*
- (1) *16 mesh to 1 inch (25.4 mm) screen or equivalent when the vent is in a protected area; or*
- (2) *A protective filter when the vent is in an area that is not protected from windblown dirt and debris.*
- D. *Water tanks designed with an access port for inspection and cleaning, the opening shall be in the top of the tank, flanged upward at least (13 mm) (one-half inch) and equipped with a port cover assembly that is provided with a gasket and a device for securing the cover in place, and flanged to overlap the opening and sloped to drain.*
- E. *When not in use, the water tank, hose inlet and outlet fitting shall be protected by means of a cap and keeper chain, closed cabinet, closed storage tube, or other approved protective equipment or device.*

- F. *A hose approved for use to convey drinking water from a water tank shall have a smooth interior surface and, if not permanently attached, shall be clearly and durably identified as to its use and used only for that purpose.*
- G. *A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of no use.*
 - (1) *A water tank and pump used for conveying drinking water shall be used for no other purpose.*
 - (2) *Tanks, pumps, and hoses approved for liquid foods may be used for conveying drinking water provided they are cleaned and sanitized prior to use.*
- H. *A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and drinking water system when compressed air is used to pressurize the water tank system.*
- I. *Mobile food vending units that handle only pre-packaged or non-potentially hazardous ready-to-eat foods are exempt from water supply requirements except that a means of maintaining vending unit sanitation and food handler personnel hygiene shall be provided as approved by the Department. Non-packaged foods shall be handled with appropriate implements to minimize hand contact.*

20-02.7 Waste Disposal Storage Tank

- 20-02.7.1 *The storage tank and accessory fittings for emptying of the tank shall be constructed and employed so that no hazard is created to the water supply of the establishment's food operation or to the municipal water supply, and so that no health nuisance is created.*
- 20-02.7.2 *The storage tank shall be constructed so that its contents can be emptied and drained into a sanitary sewer, and it shall be flushed and cleaned after each emptying at least weekly or at more frequent intervals to prevent odors and attraction of arthropods.*
- 20-02.7.3 *The discharge of wastewater from non-permanently located food establishments onto streets or storm sewers is prohibited.*
- 20-02.7.4 *Cleaning wastes shall not be emptied into sinks used for the preparation of food or the cleaning and sanitizing of utensils.*

20-03 Vending Machine Requirements

- 20-03.1 *The operator of any vending machine shall provide access to the interior of the vending machine upon request for inspection and/or sampling of product for laboratory analysis to determine wholesomeness. The operator of the vending machine shall maintain a list of vending machines classified by type of machine, location of the machine by address, and the service route. This information shall be available to the Department upon request. The Department shall notify the vending machine operator of the service route designated for inspection and the vending machine operator shall arrange for the Department to inspect and have access to the interior of vending machines on the designated service route.*

20-03.2 *The operator of the vending machine shall provide within the unit a thermometer with an accuracy of plus or minus 2°F, and shall check the operating temperatures of each vending machine dispensing potentially hazardous food at each service call.*

20-03.3 *Vending machines dispensing readily perishable foods shall be provided with controls that insure the maintenance of required food temperatures. Such controls shall place the machine in an inoperative condition until serviced by the operator in if the temperature of the food storage compartment goes above 41°F or drops below 14°F. If the machine has been inoperative for two (2) hours or more, the readily perishable food in the machine shall be removed from the machine and shall not be offered for sale for human consumption.*

Restriction.

Potentially hazardous food not consumed shall be discarded within 3 days.

20-03.4 *The licensee, or designee, of any vending machine dispensing potentially hazardous food shall inspect the servicing, operation and sanitary maintenance of the vending machine at least once every six (6) months to ascertain conformance with these regulations. Reports of these inspections shall be kept for two (2) years and shall be made available to the Department upon request.*

20-04 Commissaries for Mobile Food Units and Vending Machines

20-04.1 Commissary - Base of Operation

20-04.1.1 *A mobile food unit shall operate from a commissary or other fixed wholesale or retail food establishment and shall report at least daily to such location for all food supplies and for all cleaning and servicing operations.*

20-04.1.2 *The commissary or other fixed wholesale or retail food establishment used as a base of operation for mobile food units or pushcarts shall be constructed and operated in compliance with these regulations.*

20-04.2 Servicing Area

20-04.2.1 *A mobile food unit commissary shall provide a servicing area with overhead protection as a minimum for any supplying, cleaning, or maintenance operation.*

A. *Within this servicing area, there shall be a location provided for the sanitary flushing and drainage of liquid wastes which shall be separate from the location provided for water servicing and for the loading and unloading of food and related supplies.*

B. *This servicing area will not be required where only pre-packaged food is placed on the mobile food unit or pushcart or where all mobile food units contain waste retention tanks which are emptied in an approved manner and location.*

20-04.2.2 *The surface of the servicing area shall be constructed of a smooth nonabsorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, graded to drain, and kept clean.*

20-04.3 Servicing Operations

20-04.3.1 *Potable water servicing equipment shall be installed according to applicable codes and shall be stored and handled in a way that protects the water and equipment from contamination.*

20-04.3.2 *The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewerage disposal system.*

21-0 TEMPORARY FOOD ESTABLISHMENTS

21-01 Food Protection

21-01.1 *All food items must be properly protected from contamination at all times.*

21-01.2 *All cooking, heating, and hot-holding equipment such as chafing pans and hot plates must be located away from the public for safety or be provided with an approved physical barrier and proper sneeze guard protection.*

21-01.3 *All booths/food service areas must have overhead protection such as a canopy, tarp, or tent. If the wind or other conditions present a contamination hazard, side protection/barriers may be required. A properly designed sneeze guard must be provided for all foods that are unwrapped and on display or are subject to customer contamination during preparation. Condiments for patron self-service must be dispensed from an approved dispensing unit, or be prepackaged single serve portions.*

21-01.4 *Equipment must be provided to keep all food, ice, and food-related items stored off the ground at all times.*

21-01.5 *All food items must be transported, stored, and served using approved food-grade containers, utensils, and equipment.*

21-02 Temperature Requirements

21-02.1 *All food items must be kept at proper temperatures at all times during food preparation, handling, storage, and display.*

A. *41°F or below for refrigerated (cold) perishable food items.*

B. *0°F or below for frozen foods.*

C. *140°F or above for hot foods.*

21-02.2 *An approved thermometer must be provided to monitor the temperature of your food items.*

21-02.3 *Hot foods prepared and cooked prior to the event must be cooked in an approved manner. Pans used*

for cooling hot foods shall be shallow in depth not more than two (2) inches.

21-03 Ice

21-03.1 The use of block ice is not approved unless specifically pre-approved by the Department. All ice must be from an approved source and pre-packaged ice must be properly labeled with manufacturer's name and address.

21-03.2 Refrigeration units (coolers, cans, bins) must be continuously self-draining to an appropriate waste water holding unit.

21-03.3 Ice used in direct contact with food items, such as drinks, must not be used for any other purpose. Ice for beverages must be dispensed using a scoop or other approved means.

21-04 Cleanliness

21-04.1 All equipment, utensils, personnel, and area must be kept clean at all times.

21-04.2 Refuse containers must be provided for the operation and for patron use.

21-04.3 All equipment must be approved and designed for the type of use at the special event function. The use of wood as a material for work tables or other uses where it is subject to food contact is prohibited.

21-04.4 Handwashing facilities, equipment or stations must be provided with running water and set up and used by food handlers before food preparation work. The use of pre-packaged towelettes may be acceptable for operations not involving the preparation of food only when prior approval has been obtained.

21-04.5 Extra food handling utensils must be available if approved equipment washing facilities are not provided.

21-04.6 For temporary food service operations at a site or grounds in connection with a fair, carnival, circus, public gathering, public exhibition or other public event, the site shall be cleaned before it is vacated by the establishment.

22-0 CUSTOM SLAUGHTERING

22-01 *Storage and custom processing of game animals and custom slaughtering of other animals may be done upon request by an individual provided that:*

- A. *The Department is notified annually of the establishment's intent to custom process and store these animals.*
- B. *There is no cross contamination of food, equipment and food contact surfaces during storage and handling.*
- C. *Carcasses are processed at a separate time from the normal establishment operation.*
- D. *Equipment must be washed and sanitized immediately after processing game animals and before resuming regular activities of the establishment.*
- E. *There shall not be any visible dirt, filth, fecal matter or hair on the carcass.*
- F. *There must be an identifying tag on each carcass and each piece if quartered or divided.*
- G. *The tag(s) must have the owner's name, address and telephone phone number.*
- H. *"Not for Sale" must be marked on each carcass primal parts.*
- I. *When packaged, each package must be marked "Not for Sale".*

23-0 UNIFORM OPEN DATING

23-01 General

23-01.1 *Date labeling of prepackaged, perishable foods, and prepackaged foods that are not perishable when not otherwise specified by law shall represent a "sell by" or "best used by" date that means a recommended last date of sale that permits a subsequent period before deterioration of food quality.*

23-01.2 *Perishable food shall not be offered for sale after the "sell by" date unless it is wholesome and advertised in a conspicuous manner as being offered for sale after the recommended last date of sale. The placement of a sign, sticker, or tag is acceptable for such advertising if it is easily readable and clearly identifies the perishable food as having passed the recommended last date of sale.*

23-01.3 *If a retail food establishment elects to sell or offer for sale a prepackaged perishable food identified with a "sell by" date, the "sell by" date used must be as prescribed by this regulation.*

23-02 Placement of the Date

The date, shall be easily readable and separate from other information, graphics, or lettering so as to be clearly visible to a prospective purchaser.

24-0 REPEAL: INTERPRETATION

24-01 *The following regulations previously adopted by the Board of Health are hereby repealed:*

Regulations Governing Eating, Drinking and Catering Establishments, adopted September 19, 1970;

Regulations Governing the Sale of Food and Beverages Through Vending Machines, adopted January 23, 1961;

Regulations Governing Food Processing and Food Manufacturing, adopted February 29, 1960;

Regulations Governing Food Stores, adopted February 10, 1958;

Regulations Governing Food Establishments, adopted December 19, 1956, which includes:

- I. Food Establishments Without Permanent Location Where Food is Handled.*
- II. Food Establishments Without Permanent Location Handling Prepackaged Food.*
- III. Food Establishments Without Permanent Location Handling Meat, Poultry, or Fish.*
- IV. Food Establishments Without Permanent Location Handling Fruit and Vegetables.*

Regulations Governing the Slaughter, Handling, Inspection and Preparation of Meat and Meat Products, adopted November 17, 1955.

24-02 *The provisions of these Regulations, to the extent they are the same as the provisions of the regulations*

repealed by subsection A, shall be construed as a continuation of such regulations and not as new enactments.

25-0 SEVERABILITY

If any provision or application of any provision of these regulations is held invalid, that invalidity shall not affect other provisions or applications of these regulations.

ANNEX I ADMINISTRATIVE COMPLIANCE PROMSIONS

TITLE 6-HEALTH CODE

Section 6-103 PENALTIES AND CEASE OPERATIONS ORDERS

(1) *In addition to any other sanction or remedial procedure provided, any person who shall vidate any provision of this Title, any Regulation adopted under it, any order of the Department issued thereunder, or any condition of any license required thereunder, and any person who knowingly participates in such violation by any other person or who has reason to know that his/her participation will materially contribute to any such violation by another person, shall be subject to a fine of not less than one hundred fifty (\$150.00) dollars and not more than three hundred (\$300.00) dollars together with imprisonment not exceeding ninety (90) days if the fine and costs are not paid within ten (10) days of imposition by a final order from which all appeals have been exhausted. In addition any person licensed under this Title who has not paid said fine and cost within ten (10) days shall have said license suspended and shall cease operation until all fines and costs are paid. Continuous violation of the same provision shall be a separate violation for each day. In order to enforce this provision, the Department of Licenses and Inspections may, without further notice, issue a Cease Operations Order setting forth the unpaid fines and/or Court costs and cause the premises to be vacated of all employees, patrons and occupants until all such charges are paid.*

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Section 6-203 EXAMINATIONS

(2) *The Department may order the examination of any person in any food establishment who is involved in the preparation or service of food or who comes in contact with any eating or cooking equipment therein or who is employed in a room in which food is prepared or served in order to insure effective diagnosis and control of communicable disease which is readily transmissible under such circumstances.*

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Section 6-301 FOOD ESTABLISHMENTS

(1) *Every food establishment handling food shall be conducted, maintained and operated in accordance with the applicable provisions of this Title and such regulations as the Board may prescribe.*

(2) *Except as provided in ' 6-305 (l) (g), no person shall conduct, maintain, or operate any food establishment unless the appropriate food license has been obtained as provided in ' 6-503.*

(3) *Every person applying for such license shall supply such information and shall permit such inspection and examination of the food establishment and the food and persons handling food therein as the Board may by regulation prescribe to protect the public health.*

(4) *Except as provided in ' 6-301(5) the license fee for food establishments selling food is:*

- (a) *Food establishments where food is prepared or served for consumption on or off the premises, including but not limited to, eating and drinking establishments and caterers: for food establishments with up to 50 seats - \$175.00; for food establishments with 51 seats and over - \$250.00; and for caterers - \$250.00.*
 - (b) *Retail food establishments with permanent location, including, but not limited to candy stores and drug stores without soda fountains, grocery stores, meat markets, and other food stores, but excluding any such food establishment licensed under ' 6-301 (4) (a) or (d) having less than 5000 square feet of floor area - \$100.00; having 5000 square feet or more - \$350.00.*
 - (c) *Retail food establishments without permanent location, including, but not limited to mobile vending units such as motor vehicles, movable stands and carts, newsstands, temporary special event establishments - \$100.00 per unit.*
 - (d) *Food establishments manufacturing, processing, or wholesaling food, excluding food establishments for the manufacture of frozen desserts, milk plants and wholesale food establishments which deal in prepackaged foods - \$250.00.*
 - (e) *Where frozen dessert mix is procured from others and frozen on the premises - \$200.00.*
 - (f) *Where food is served through automatic food vending machines and the food is packaged or prepared off the premises, \$60.00 for the first machine and \$8.00 for each additional machine.*
 - (g) *Food establishments for the killing of animals (including poultry) for sale as food, \$200.00.*
 - (h) *For wholesale food establishments dealing only in pre-packaged food, and all other food establishments requiring licensure - \$175.00.*
- (5) *A separate license shall be obtained for each and every food establishment described in ' 6-301 (4) which any person seeks to conduct, manage, or operate, except that:*
- (a) *For automatic food vending machines, or vehicles, conducted maintained, or operated by any licensed food establishment, only one license need be obtained for all such machines or vehicles, in the city, or*
 - (b) *Where more than one food establishment which would otherwise be required to obtain separate licenses of the same type are conducted, maintained, or operated by the same person on the same location or premise, only one license need be obtained for all such establishments.*
- (6) *Every food establishment shall be conducted, operated and maintained in accordance with such additional requirements as the Board may by regulation prescribe to protect the health of the consumers of food handled in such establishment. Such regulations may include, but shall not be limited to:*
- (a) *The building structure, maintenance, sanitation, lighting, ventilation and cleanliness of food establishments,*
 - (b) *The preparation, composition, service, display, storage and/or packaging of food therein.*
 - (c) *The personal hygiene and food service practices of persons handling food therein.*
 - (d) *The construction, cleaning, cleanliness, bactericidal treatment and storage of equipment and utensils.*

- (e) *The disposal of liquid and solid waste.*
 - (f) *The handling, storage, and protection of food in transit to and from food establishments within the City.*
 - (g) *The water supply.*
 - (h) *The control of arthropods and rodents.*
- (7) *No food handled outside the city shall be sold or brought into the City for human consumption unless handled in such a manner as to comply with the requirements of this Title and such regulations as the Board may prescribe to prevent adulteration or contamination.*
- (8) *Responsibilities of Food Establishments. Subject to the exemptions of Section 6-301(9), every food establishment that sells any non-packaged potentially hazardous food, as defined by the Board, shall:*
- (a) *During hours when food is being prepared, manufactured, cooked, processed, dressed, served or distributed have present and in its employ at least one (1) person with a valid Food Establishment Personnel Food Safety Certificate, issued pursuant to Section 6-301(10).*
 - (.1) *The establishment shall post in a conspicuous location the Certificates of all such persons. No expired or revoked Certificates shall be posted.*
 - (.2) *In the event of any period of non-compliance with Section 6-301(8)(a)(i), a food establishment shall not be considered in violation if the establishment immediately notifies the Department, in writing, of the reasons for such non-compliance and the steps being taken to timely comply, and if the Department determines that the establishment is taking all reasonable steps to timely comply.*
 - (b) *Conduct a minimum of one (1) self-inspection of the food establishment every three (3) months.*
 - (.1) *The self-inspection shall be conducted by a person with a valid Food Establishment Personnel Food Safety Certificate. The self-inspection shall include a thorough and complete examination and evaluation of:*
 - (i) *the physical premises, both interior and exterior;*
 - (ii) *all food that is processed, manufactured, transported, or served on the premises; and*
 - (iii) *the manner in which such food is handled and stored.*
 - (.2) *The food establishment shall complete a self-inspection form, on a form made available by or acceptable to the Department, after each self-inspection. Such forms shall be completed by the person conducting the inspection. Completed self-inspection forms shall be maintained by the food establishment and be available for review upon request by the Department for a minimum of one (1) year.*
 - (c) *Initiate any improvements found to be needed as a result of any self-inspection. Such improvements shall be made as soon as possible, but in no event later than the next self-inspection. Notwithstanding the foregoing, nothing in Section 6-301(8) shall relieve any food establishment of its obligation to comply*

immediately with any other provisions of this Title.

- (d) Promptly notify the department of any known or suspected foodborne illness of an employee or customer. Such notification shall be made immediately upon learning of such illness or suspected illness, but in no event more than forty-eight (48) hours after the first knowledge. A single isolated instance of illness which the establishment reasonably believes is not traceable to the establishment need not be reported, but any pattern of multiple illnesses must be reported immediately.*

(9) Exemptions. The following establishments shall be exempt from the requirements of Section 6-301(8):

- (a) those portions of establishments inspected by the United States Department of Agriculture;*
- (b) a bed and breakfast homestead or inn, meaning a private residence which contains ten or fewer bedrooms used for providing overnight accommodations to the public and in which breakfast is the only meal served and is included in the charge for the room;*
- (c) establishments that only serve potentially hazardous food which has been commercially prepared and prepackaged and is served in the original packaging, without further handling;*
- (d) temporary food operations without permanent location that operate for a period of time not to exceed seven (7) days; and*
- (e) such other establishments which have applied to the Department for an exemption and have demonstrated to the satisfaction of the Department that the circumstances of that particular food establishment at that time are such that the protection of the public health does not require the presence of a certified food establishment employee. The exemption shall remain valid only as long as the conditions under which the exemption was granted remain unchanged.*

(10) Food Establishment Personnel Food Safety Certificate

(a) The Department shall issue a Food Establishment Personnel Food Safety Certificate to any person who:

(.1) Demonstrates knowledge of established and recognized food safety procedures by:

- (i) Showing proof of successful completion of a food protection course approved by the Department, or of passing the examination required for completion of such course; or*
- (ii) Possession of a valid certificate of registration from a food protection certification program of the Educational Testing Service for Occupational and Professional Assessments; or*
- (iii) Such other means as determined by the Department to be equivalent to the foregoing, including possession of a valid certificate of completion from a food protection course determined by the Department to be substantially equivalent to the courses approved by the Department.*

(.2) Pays a reasonable fee to be established by the Department to defray the costs of administering this Certificate program established by Section 6-301(10).

(b) A Food Establishment Personnel Food Safety Certificate shall be valid for such period of time as the

Department shall determine, and shall not be transferable.

- (c) The Department may revoke a Food Establishment Personnel Food Safety Certification upon a finding that the Certificate holder has not complied with his or her obligations under this Section or applicable regulations. Such revocation, and any appeal therefrom, shall be conducted in accordance with the procedures for license suspension and revocation set forth in this Title.*

Section 6-304 CONDEMNATION

- (1) Whenever the Department has reason to believe that any food or drug is or may be adulterated, it may order any person having charge, control, or custody thereof:
 - (a) to submit a sample of such food or drug to the Department in order to permit inspection or laboratory analysis to determine whether or not such food or drug is in fact adulterated;*
 - (b) to withhold such food or drug from sale for human consumption or human use until prompt inspection or laboratory analysis indicates whether or not such food or drug is in fact adulterated.**
- (2) If such inspection or laboratory analysis establishes that such food or drug or any portion of it is adulterated, the Department shall forthwith order the condemnation of such food or drug or any adulterated portion.*
- (3) Any adulterated food or drug which has been so condemned by the Department shall be impounded or denatured forthwith, and thereafter shall either be destroyed or sold for such uses and purposes other than human consumption or human use as the Department may determine to be proper for the protection of the public health.*

Section 6-402 BUSINESS, PROFESSIONAL AND COMMUNITY CONTROLS

- (9) Nuisances.
 - (a) When the Department finds that any continuing violation of the Health Code, the regulations thereunder, or any other continuing health hazard, so injuriously or adversely affects the health of the residents of the City or any portion thereof as to constitute a public nuisance, it may order any person responsible thereof, or any person who causes or contributes to the creation and maintenance thereof to correct and remove such nuisance at his/her own expense.**

Section 6-501 INSPECTIONS

- (1) The Department is authorized to make inspections including the requiring of reports and taking of samples as necessary to perform tests to determine compliance with the regulations. For this purpose the Department is authorized to enter and examine any establishment, institution or private residence at all reasonable times and the owner or person in charge shall give the Department free and unhindered access for the purposes of such inspection.*

(2) *Where the Department is satisfied that any other governmental or private agency or industry requires compliance with standards which are at least equivalent to comparable city standards, that their inspection service is effective, that an acceptable level of compliance is maintained and that such compliance is required by inspectors approved by the Department, it shall accept the result of such inspections in lieu of making its own inspection.*

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Section 6-502 ORDERS

(1) *Except as otherwise provided and subject to the provisions of the Charter, whenever the Department determines that the Health Code or the regulations adopted under it require any action or forbearance from any action to be effected by order, it shall make an order requiring such action or forbearance.*

(2) *All such orders shall be in writing and shall be served on the person from whom action, forbearance, or compliance is required except that where the Department finds willfulness or a menace to public health requiring immediate corrective action such orders may be oral in the first instance.*

(3) *Any person to whom such an order is directed or from whom any action, forbearance, or compliance is in any way required shall comply with such order within such reasonable period of time as the Department shall specify in such order.*

(4) *While an appeal from an order, as hereafter provided, is pending, compliance with such order shall not be required unless the Department finds, and certifies in writing in such order, that immediate compliance is necessary to protect the public health.*

(5) *Any person who is aggrieved by an order directed to him/her or requiring any action, forbearance, or compliance from him/her may, prior to taking an appeal therefrom pursuant to Section 6-504, request and receive a prompt hearing before the Health Commissioner or any representative specifically designed by him/her provided that such request for hearing is made in writing within 5 days from the receipt of such order.*

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Section 6-503 LICENSES AND PERMITS

(l) *Issuance and Conditions.*

(a) *All applications for any license required by this Title shall be made to the Department of Licenses and Inspections.*

(b) *The Board shall set by regulation the requirements and standards to be met by applicants for licenses and the Department shall certify them to the Department of Licenses and Inspections.*

(c) *The Department of Licenses and Inspections shall not issue any license unless:*

(.1) the fee prescribed by this Title is paid;

(.2) such information or records as this Title may require are furnished;

(.3) such inspections as may be required by this Title have been made;

(.4) the person applying therefor and the establishment or food for which such license is sought complies in every respect with this Title and the requirements and standards required by the Board, as certified by the Department.

(d) All licenses shall:

(.1) remain in force for one year from the date of issuance, unless sooner revoked as hereafter provided.

(.2) be publicly displayed in a conspicuous place within the establishment where the activity or act licensed is principally conducted.

(.3) be non-assignable and non-transferrable.

(.4) be conditioned upon continued compliance with this Title and the Regulations of the Board issued under it.

(2) Suspension of License or Permit.

(a) Whenever the Department finds that any person holding any license or permit has violated any of its conditions, and that such violation is willful or constitutes a menace to public health requiring immediate corrective action, it shall certify such violation to the Department of Licenses and Inspections which shall forthwith suspend such license or permit.

(b) The Department of Licenses and Inspections may thereafter revoke such license or permit in accordance with the procedures set forth in ' 6-503(3).

(c) While an appeal from the suspension of any license or permit is pending, such suspension shall nevertheless become immediately effective.

(3) Revocation of License or Permit.

(a) Whenever the Department determines that any person holding any license or permit has violated any of its conditions, it shall serve written notice of the violations upon the holder of such license or permit stating the nature of the violation and that compliance with all requirements of the license or permit shall be achieved within 30 days of receipt of the notice. Such notice may also describe a course of remedial action.

(b) If at the expiration of the time accorded for compliance the violation has not been corrected, the Department may make an official finding of violation and certify such finding to the Department of Licenses and Inspections which shall forthwith revoke such license or permit.

(c) Any person whose license or permit has been suspended or revoked shall in addition thereto be liable to the penalties and/or other remedial action prescribed by this Title.

(d) While an appeal from the revocation of any license or permit as hereinafter provided is pending, compliance with such revocation shall not be required.

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Section 6-504 APPEALS

(1) Any person whose application for any license has been denied, or whose license has been suspended or revoked, or who is aggrieved by an order directed to him/her or requiring any action, forbearance, or compliance from him/her may appeal to the Board of License and Inspection Review in accordance with the Charter and the procedures prescribed by that Board.

*Amended, 1964 Ordinances, p. 41.

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Section 6-505. FEES.

- (1) Prerequisite: No permit, certificate, approval or variance shall be issued until the required fee is paid.
- (2) General review: Fees for review of new construction, extensive addition, alteration, new tenancy or procedures requiring prior approval shall be based upon the following categories:
 - (a) Food Establishments: Fees for plan review shall be based upon the square footage of the affected establishment area according to the following schedule:

<u>Establishment Size</u>	<u>Fee</u>
1000 square feet or less	\$300.00
1001-5000 square feet	\$700.00
5001-10,000 square feet	\$1,200.00
10,001-14,000 square feet	\$1,700.00
above 14,000 square feet	\$1,700.00
	plus \$10.00 for each additional 100 square feet or portion thereof.

- (.1) Fees for food establishment inspections conducted to determine compliance of site facilities with required plan submission shall be as follows:
 - (.i) A fee of one hundred fifty (\$150.00) dollars in addition to the applicable plan review fee shall be required for establishments when plans have been submitted.
 - (.ii) A fee of three hundred fifty (\$350.00) dollars in addition to the applicable plan review fee shall be required for establishments that have not submitted plans.
 - (b) Mobile Vending Unit: Initial plan review fee for a mobile vending unit shall be one hundred (\$100.00) dollars.
 - (c) Temporary Special Event Establishments: Fees for the review of temporary special event establishments shall be based upon the square footage of the occupied space according to the following schedule:

<u>Establishment Size</u>	<u>Fee</u>
200 square feet or less	\$30.00
201-350 square feet	\$60.00
351-500 square feet	\$100.00
above 500 square feet	\$100.00 plus \$28.00 for each additional 200 square feet or portion thereof.

- (d) *Plan or Permit Amendments:* Fee for plan or permit amendments shall be fifty (\$50.00) dollars.
- (e) *Plan or Permit Resubmissions:* Resubmissions of plans or permit application materials requiring facility plan or permit approval shall be two hundred fifty (\$250.00) dollars.
- (f) *Preliminary reviews:* Fee for the examination of each set of preliminary drawings, specifications and/or computations shall be two hundred fifty (\$250.00) dollars.
- (3) *Regulatory Services:* Fees for required inspection and reinspection services shall be based upon the following categories.
- (a) *Commercial Establishment:* Fees associated with conducting reinspection of commercial regulated facilities shall be based upon the following schedule:
- (.1) *Fee for each additional inspection required to determine the compliance status of any condition previously identified by inspection to be in violation of the requirements of the Health Code shall be one hundred fifty (\$150.00) dollars.*
- (.2) *Fee for each reinspection required to be conducted to determine compliance with the Health Code as a result an enforcement action shall be two hundred fifty (250.00) dollars.*
- (.3) *Fee for each additional establishment inspection necessitated as a result of an appeal to the Board of Licenses and Inspections Review shall be two hundred and fifty (\$250.00) dollars.*
- (4) *Miscellaneous Fees:* The following miscellaneous fees are hereby established:
- (a) *Filing Fee:* No application for permit, certificate, approval or variance shall be accepted until a non-refundable filing fee of fifty (\$50.00) dollars is paid.
- (b) *Expert Witness Fee:* Fees for a representative of the Philadelphia Department of Public Health to provide expert witness testimony in litigation not involving an action in which the City is a party shall be as follows:

<u>Classification</u>	<u>Appearance Fee Per Day</u>
Environmental Health Inspector	\$200.00
Sanitarian I	\$300.00
Sanitarian II	\$400.00
Sanitarian III	\$500.00

Program Director

\$600.00

(.1) A fee of one-half the above appearance rate shall be charged for three hours or less.

(c) Copying Fees: Fees for providing copies of records shall be as follows:

(.1) Medical records: The fee for providing copies of medical records shall be five (\$5.00) dollars for the first page and two dollars and fifty cents (\$2.50) for each additional page.

(.2) Inspection record: Copies of inspection records shall be provided for a fee of twenty-five (\$25.00) dollars subject to an additional charge of twenty-five (\$.25) cents per page of documents provided.

(.3) Record Search: Fee for conducting a record search in conjunction with a request for record copies shall be one hundred (\$100.00) dollars in addition to the fee for record copies.

(.4) Lists: Fee for providing requested lists of data-based information or involving multiple record searches for the purpose of compiling a list of requested information, provided such information is available, shall be six hundred (\$600.00) dollars.



City of Philadelphia

DEPARTMENT OF PUBLIC HEALTH

**REGULATIONS GOVERNING
FOOD ESTABLISHMENTS**

Approved:

BOARD OF HEALTH.....September 10, 1996
LAW DEPARTMENT.....October 1, 1996
RECORDS DEPARTMENT.....November 13, 1996

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FOOD ESTABLISHMENT GUIDE FOR SAFE FOOD TEMPERATURES

FOOD ESTABLISHMENT FINAL PRE-OPERATIVE INSPECTION CHECKLIST

RODENT CONTROL GUIDE FOR FOOD ESTABLISHMENTS

*FOOD ESTABLISHMENT GUIDE FOR APPROVED USES OF PLASTIC LAMINATED SURFACES,
CABINETRY AND MILLWORK*

FOOD ESTABLISHMENT GARBAGE GRINDER INSTALLATION GUIDE

FOOD ESTABLISHMENT PLUMBING REQUIREMENTS GUIDE

FOOD ESTABLISHMENT GUIDE FOR SAFE FOOD TEMPERATURES
(All temperatures are internal food product temperatures.)

<u>I. FOOD PRODUCT</u>	<u>CONVENTIONAL COOKING</u>	<u>MICROWAVE COOKING</u> **
A. GROUND BEEF	155EF. *	180EF.
B. GROUND FISH OR MEAT	155EF. *	180EF.
C. PORK	155EF. *	180EF.
D. POULTRY	165EF. *	190EF.
E. BEEF	140EF. *	165EF.
F. STUFFED MEATS	165EF. *	190EF.
G. EGGS (COOKED TO ORDER)	145EF. *	170EF.
H. OTHER (FISH & MEATS)	145EF. *	170EF.

* Cooking temperatures must be maintained for 15 seconds or more.

<u>II. REHEATING TEMPERATURES</u>	<u>CONVENTIONAL</u>	<u>MICROWAVE</u> **
<i>ALL FOODS</i>	<i>165E F. For 15 seconds Must be reached within 2 hours.</i>	<i>190EF.</i>

III. COOLING

- A. Cooked foods containing beef, pork, poultry, eggs, milk must be cooled to 41EF. or below WITHIN 6 HOURS.
- B. Foods that are mixed together (such as salads) or canned products, such as tuna, must be cooled to 41EF. or below WITHIN 4 HOURS.

IV. HOLDING TEMPERATURES

After foods are cooked or reheated, they **must** be maintained at a temperature of 140EF. or above.

V. REFRIGERATION

- A. Refrigerated Food must be kept at 41EF. or below.
-Readily perishable foods that are consumed raw (e.g. cut melon and seafood) must be kept at 41EF. or below.

-SHELL EGGS must be kept at 41EF or below.
Pasteurized liquid, frozen, or dry eggs or egg products should be substituted for shell eggs in the preparation of foods that are not cooked.
- B. Frozen Food must be kept at 0EF. or below.

** Microwave cooking and reheating require that foods be covered, continuously rotated or stirred or stirred midway through cooking or reheating and allowed to stand covered for an additional two (2) minutes after the process.

FOOD ESTABLISHMENT FINAL PRE-OPERATIVE INSPECTION CHECKLIST

IN ORDER TO PREPARE FOR YOUR FINAL INSPECTION FOR LICENSE APPROVAL, THE FOLLOWING LIST SHOULD BE CHECKED FOR COMPLETION PRIOR TO THE SANITARIAN'S VISIT:

- 1. All construction must be completed in all food service areas.*
- 2. All equipment must be cleaned and in a "ready to operate" condition.*
- 3. All refrigeration units must be operating and provided with readily visible thermometers to verify operating temperature of the refrigeration units.*
- 4. All stationary food equipment must be properly sealed to adjoining surfaces or equipment using approved food grade adhesive sealants and/or properly designed trim or enclosure pieces. Proof of the type of adhesive sealant used must be on the premises at the time of inspection.*
- 5. Toilet facilities must be ready for use and equipped with employee handwash reminder signs, soap, single service towels, and self-closing doors. The mechanical ventilation must be working and properly ducted to the outside air.*
- 6. Soap and single service towel dispensers must be installed at all handwash sinks.*
- 7. Approved drying rack(s) or other equipment must be provided at the three compartment sink for proper air drying of utensils and equipment.*
- 8. Ice machine(s) must be cleaned and sanitized prior to use for ice production. A written procedure for the cleaning and sanitizing of the ice machines must be available for review. If this service is provided by contract, a copy of the service contract and a record of work performed shall be provided to the establishment and kept available for review.*
- 9. Cleaning supplies and cleaning equipment storage facilities must be provided. An approved storage rack must be installed for hanging of mop(s), broom(s) and other cleaning equipment items.*
- 10. An approved sanitizer must be present on the premises. The proper use of all sanitizing chemicals must be demonstrated for each three compartment sink and/or mechanical dishwasher.*
- 11. Hot and cold running water must be supplied to all sinks, food equipment and plumbing fixtures requiring water.*
- 12. All plumbing fixtures must work properly and have no leaks present.*
- 13. Approved backflow prevention devices must be provided for all hose bibbs and water feed lines to soda systems and other equipment (i.e. some coffee machines, etc.). Be prepared to show where these backflow devices are located.*
- 14. All food and food service items when present must be properly stored on approved shelving or dunnage racks in food storage areas.*
- 15. Kitchen exhaust systems must be operational and have air flow properly balanced.*
- 16. All construction and surface finish applications are required to be completed prior to inspection.*

RODENT CONTROL GUIDE FOR FOOD ESTABLISHMENTS

Rodents are a serious threat to the wholesomeness and safety of food. Rodents spread disease and cause contamination of food and work areas from their body, saliva, urine, and feces (droppings). Rats and mice are most active at night (nocturnal), secretive, and seldom seen. Rodents urinate and defecate indiscriminately as they move.

Although rodent urine contamination often requires the use of special ultraviolet black light to be seen, their feces (droppings) are clearly visible with the naked eye. Fresh droppings of rodent feces are moist, shiny, soft, and dark; however, in a few days they become dry and hard. Mouse feces are pointed droppings, 3/16 to 1/2 inch in length. Norway rat droppings have blunt ends and are approximately 1/2 to 3/4 inch in length. One mouse can deposit up to 50 droppings each day. Detection of a rodent infestation is often readily apparent by seeing their droppings on floors, especially along walls, shelves, and work surfaces, etc.

Rodents must constantly gnaw or chew to control the growth of their teeth and are responsible for many building fires from gnawing on electrical wires. Seeing holes in building surfaces and loose bits of chewed packaging or other material are signs of recent activity. The food establishment operation must not provide rodents access to food, water, and shelter (harborage). Any signs of infestation requires immediate aggressive extermination efforts by qualified individuals.

The following general recommendations are provided to assist you to control and eliminate rodent infestation.

1) *Prevent Entry - rodents must be stopped from entering the food establishment:*

- *Check all supplies and food products for rodent signs before they enter your building.*
- *Ensure that all openings to the outside (cellar, sidewalk, grates, windows, front and rear doors, etc.) are sealed tightly - especially at the threshold area. Mice can enter the premises through openings as small as 1/4 inch. Seal all openings with cement, sheet metal or galvanized hardware cloth (1/4" or smaller).*

2) *Eliminate Nesting Areas - do not provide conditions that invite rodents to live in the establishment:*

- *Seal all holes in walls and floors using pieces of metal flashing or cement, or place steel wool in holes/burrows and then cover with cement.*
- *Remove all trash, debris and unneeded material throughout the establishment. Store all trash and garbage in covered rodent-proof containers with tight-fitting lids. Store needed items off the floor at least six(6) inches (18" is recommended) and away from walls at least six (6) inches (12" is recommended). All of the floor area must be visible for inspection.*
- *Store all unpackaged or opened packages of edible items (cookies, rice, beans, flour, etc.) in metal, glass or heavy duty plastic containers with lids. Rats and mice will not be attracted to poison or traps if more favorite foods are available to them.*
- *Check all plumbing fixtures and piping to make sure no leaks or openings are present.*
- *Use a flashlight and conduct regular self-inspections.*

3) *If a problem is detected contact your licensed Pest Control Operator (PCO) immediately, and:*

- *The food establishment must be thoroughly inspected and cleaned. All floors areas (especially along the edges and perimeters) and shelving, ledges, ceiling panels, etc. must be inspected and cleaned to remove all rodent feces (droppings). Use a vacuum cleaner with a long nozzle and soft brush and/or dust pan with brush.*
- *All areas must be carefully checked on a daily basis to identify new signs of recent activity and to focus extermination efforts and to locate possible harborage or entry areas.*
- *Eliminating a rodent infestation will require the use of numerous glue boards, snap traps and/or catch-alls. Rodenticides, if used, must be placed in enclosed bait stations. No loose cups or other open containers of bait are permitted.*

Recommendations for contracting with a professional pest control service provider include:

- *Ensure that you hire and work with a licensed, certified pest control operator (PCO).*
- *Fully understand the nature of the service being provided and what follow-up service will be provided if a problem persists. This may require a contract that provides a warranty for the work done and follow-up visits.*
- *For the initial inspection, you should walk around the building with the PCO and answer any of the PCO's questions regarding the layout and equipment of the building. Be sure to point out possible trouble spots you may have noticed.*
- *The PCO should provide a written outline of the treatment plan, materials and rodenticides to be used, and a schedule of treatment. The PCO should provide written reports of building defects or sanitation problems that need correction to control pests.*
- *Remember that extermination alone only represents approximately 10% of the effort needed to eliminate and control rodent infestation. The other 90% is accomplished by good sanitation, rodent proofing and elimination of breeding areas.*

FOOD ESTABLISHMENT GUIDE FOR APPROVED USES OF PLASTIC LAMINATED SURFACES, CABINETS AND MILLWORK

Restrictions:

1. *Work tables or surfaces used for food preparation or areas subject to cutting, chipping or similar operations, cannot be of a plastic laminate construction.*
2. *Plastic laminate construction is not approved in areas where surfaces are in routine contact with heated objects in excess of 275°F or above (e.g. no hot food cooking or warming units).*

Required Design Features for Cabinets and Laminated Millwork:

1. *All laminated surfaces must have the appropriate grade of laminated material required under Standard #35 of the National Sanitation Foundation (NSF).*
2. *All exposed surfaces must be laminated.*
3. *All laminated surfaces must be constructed to provide a continuous plane that joins in a tightly formed 90° angle.*
4. *Counter top(s) when part of a cabinet unit must be an integral part of the constructed unit(s). The use of supporting blocks, strips or other means of counter top support are prohibited.*
5. *Doors on cabinet units must have approved slip pin hinges. Fixed hinges, piano hinges or internal concealed hinges are not permitted.*
6. *Drawers must meet NSF Standard #2 design requirements.*
7. *All surface penetrations must be properly grommetted. All cut outs must have all exposed edges properly laminated prior to installations of drop in equipment.*
8. *The lowest horizontal surface must be six inches above the finished floor.*
9. *Wall hung units require an integral sanitary sloped top.*

Fabrication approval of custom laminated surfaces requires submission of appropriate drawings and details showing all construction features.

FOOD ESTABLISHMENT GARBAGE GRINDER INSTALLATION GUIDE

All food-handling establishments are required to install garbage disposals/grinders for disposal of grindable food waste.

Food establishments installing garbage grinders must ensure that the installation complies with all requirements of:

**The Philadelphia Department of Public Health;
Department of Licenses and Inspections; and
The Philadelphia Water Department.**

Requirements for the installation of garbage grinders has generated concern within the food service industry regarding the correct and acceptable methods of installing garbage grinders. In an effort to provide food establishments with this installation guide the Plumbing Unit of the Department of Licenses and Inspections and the Industrial Waste Unit of the Water Department were consulted and reviewed the illustrations presented.

General Requirements and Restrictions:

- 1. Installation of garbage grinder requires a direct connection to the plumbing system.*
- 2. Garbage grinders shall not be connected to a grease trap.*
- 3. Garbage grinders shall not be placed in any basin of an equipment washing sink.*
- 4. Garbage grinders shall not be placed in any basin of a sink used for food preparation.*
- 5. The type of garbage grinder and method of installation must comply with all plumbing code requirements.*

**GARBAGE GRINDER INSTALLATION AND LOCATION ARE SUBJECT TO HEALTH DEPARTMENT
EVALUATION AND APPROVAL.**

The following illustrations and notes are provided to guide the food establishment operator concerning appropriate and proper placement and plumbing of garbage grinders:

A. Separate Grinder Sink - A one compartment free standing sink may be installed with a properly plumbed garbage disposal unit. When such an installation is used, a request may be made for evaluation and use of this sink to meet hand washing facility requirements.

B. Pot sink with Drainboard Installation - A garbage grinder may be installed on a three compartment sink drainboard with proper cutout and cone assembly.

FOOD ESTABLISHMENT GARBAGE GRINDER INSTALLATION GUIDE (CONTINUED)

- C. Dishwasher with Scrap Sink and Grinder - A scrap sink with grinder may be installed separate from the pre-rinse sink of an automated dishwashing system. The pre-rinse sink is required to be plumbed to the grease trap; whereas, the grinder unit must be directly connected as noted above.



Grease Trap

- D. Grinder/Food Prep Sink Arrangement - This installation may be approved when the source of grindable food wastes are generated principally by a food preparation operation.

Two Compartment Food Prep Sink with Garbage Grinder in One Compartment - Each compartment must be separately and properly plumbed; The food prep compartment must be indirectly connected with an air gap waste drain; the grinder compartment must be directly connected.

FOOD ESTABLISHMENT PLUMBING REQUIREMENTS GUIDE

PLUMBING FIXTURE REQUIREMENTS

Utensil Washing Sink

A utensil washing sink, normally one or three compartments, with all compartments/basins, sized to immerse the largest item to be washed, must be provided. Three compartment sinks are generally required for all food facilities preparing potentially hazardous food. An exemption to a three compartment sink will be based upon individual review of menu, and complexity of operation. Plumbing Code requires a direct connection for a utensil washing, sink which may or may not have a grease trap.

Grease Trap or Interceptor

The mandatory installation and sizing of grease trap units are regulatory requirements governed by the Industrial Waste Unit of the Water Department. The piping to the grease trap is regulated by the Plumbing Code. A sink plumbed to a grease trap may not have the normally required trapped drain. In particular food processing applications when significant quantities of grease or fat may be discharged a grease trap may precede the required indirect waste connection. The installation of a grease trap must allow for adequate clearance, at least six inches, between it and adjacent equipment or walls so as to facilitate cleaning of the area. In addition, the location of the grease trap must allow for easy servicing and maintenance of the unit itself.

Handwashing Facilities

Conveniently located handwashing facilities are required for all food service areas. Handwashing sinks in toilet rooms are not approved as a means of meeting this requirement. The use of a sink other than a specific handwash sink, i.e. utility sink, janitorial sink, garbage grinder sink, for meeting hand washing facility requirements may be considered upon review of the operation and facility design and approval by the food protection services plan review unit.

Food Preparation

A separate food preparation sink plumbed with an indirect waste connection to the plumbing system is required when menu or food preparation practices dictate the need for such equipment. Typically, full service restaurants, salad bar, and seafood operations require food preparation sinks.

Installation Location Criteria

Food preparation sinks as well as other food contact surfaces must be protected from potential sources of contamination. Example: A minimum separation space of two feet is required between a food preparation sink and adjacent handwash or utensil sink. An approved physical barrier may be considered as an alternative means of protection.

Garbage Grinders

Food establishments installing garbage grinders in accordance with the Streets Department requirements must comply with Plumbing Code and Health Code requirements. Due to physical plumbing requirements for the installation of commercial grinders their installation is normally limited to being provided in a separate dedicated sink or as part of an automated dishwashing system; i.e., scrap sink or scraping trough. When appropriate, the separate grinder sink may be approved for use to meet handwashing facility requirements. When the primary purpose of a grinder is for waste from food preparation, installation of a garbage grinder as an integral component of the food preparation equipment will be evaluated upon specific request. Garbage grinder installation requires a direct connection to the plumbing system and must not be connected to a grease trap.

Mop Waste

Adequate approved facilities for discharging mop water is required. A floor mounted basin is recommended for ease of use; however, janitor's closets and utility sinks are also commonly used facilities. Discharge of cleaning waste to City streets or sewer inlets is prohibited.

Exterior Refuse Storage

Exterior refuse storage areas when permitted by licensure are required to have facilities for cleaning and maintaining the area in a sanitary condition. All new facilities must have this area properly sloped to a drain which is installed in accordance with the Philadelphia Plumbing Code.

Water Requirements

Sufficient hot water to meet the peak demands of the establishment operation must be provided. A guide to determining peak demand may include totaling the following typical usages:

- 1) Utensil sink capacity of two compartments.
231 cubic inches = one gallon*
- 2) Handwash sinks = 6 gallon/hour*
- 3) Mop sink = 10 gallons/hour*
- 4) Dish machine = Rated use per hour*

Hot water demand is normally calculated for a two hour time period which would be compared to the hot water heater storage capacity and recovery rate over a two hour period of time.

Water Supply Protection

- 1) Approved backflow prevention devices must be installed on the building water main (i.e., RZP reduced pressure zone device, double check valve assembly).*
- 2) Approved backflow prevention devices must be installed on all direct potable water connections to food service equipment (i.e. soda dispensing systems, coffee machines) and potential cross connections. (i.e. hose bibbs)*
- 3) The use of water line tapping devices to supply soda systems or ice machines, etc. is not approved. The establishment operator is responsible for having appropriate connections available with approved vacuum breakers for such installations.*

- 4) *Cross connections between potable and non-potable sources and submerged inlets must be eliminated.*

Philadelphia Department of Public Health

Office of Food Protection

FOOD ESTABLISHMENT PLUMBING REQUIREMENTS GUIDE (CONTINUED)

Waste Water Drainage

- 1) *All food preparation, processing, dispensing etc. equipment must be properly designed to have all liquid waste discharge to the plumbing system to an indirect waste connection.*
- 2) *Indirect waste drains must be properly air gapped, two times the pipe diameter minimum.*
- 3) *Indirect waste drains must be located to provide easy sight and cleaning access.*
- 4) *The indirect waste receptacles, hub drains, funnel drains, floor sinks, etc. must provide effective capture of the discharge.*

Plumbing Code Notations

- 1) *All drain lines must be properly trapped at the highest practical point of the discharge line.*
- 2) *All piping must be of approved materials; i.e. plastic piping is not approved.*
- 3) *All piping diameter size must be approved for the fixture. Example: Walk-in refrigeration unit evaporator pan has factory supplied 1/2 inch drain.*
- 4) *All indirect waste drain fixtures must be at least one inch above the floor level.*
- 5) *Floor drains are required in all rooms where floors are subjected to the flooding type cleaning or where normal operations release or discharge water or liquid waste on the floor. Floor drains are to have flooring sloped to the drain.*

Sanitary Installation Practices

- 1) *Traps must be located a sufficient height above the floor to facilitate cleaning.*
- 2) *Drain lines that run under equipment must be elevated off floor to promote cleaning access.*
- 3) *Drain lines that run along the wall must be spaced a minimum of one inch to provide cleaning access or a properly designed and sealed chase or enclosure should be used.*
- 4) *All wall, floor, ceiling penetrations must be properly sealed.*
- 5) *Sleeves are required when approved permanent sealing of lines running through building structures can not be done. Example: Soda supply lines passing through a wall between rooms must have a sleeve installed through which the lines will run.*
- 6) *A leak proof sanitary trough must be installed under any overhead soil line which is exposed within a food preparation area.*

