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Paul Leo McSorley, Commissioner - Department of Records, 160 CH

REVISION OF REGULATIONS GOVERNING EATING AND DRINKING AND CATERING ESTABLISHMENTS

The above revision promulgated by the Health Department was filed with the Department of Records on August 20, 1970.

Inasmuch as there were no requests for hearings this revision became effective September 19, 1970.

cc: N.R. Ingraham, M. D.
Health - 540 MSB

Approved by the Board of Health, June 3, 1970
Approved by the Department of Law, August 14, 1970

CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH
REGULATIONS GOVERNING EATING
AND DRINKING AND CATERING
ESTABLISHMENTS

THE PHILADELPHIA CODE
TITLE 6 - HEALTH CODE
Section 6-301- FOOD ESTABLISHMENTS

DEPARTMENT OF RECORDS
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(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 ultimate consumers of food handled in such establishment. Such regulations may include, but shall not be limited to, reasonable requirements as 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.

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.

1. DEFINITIONS

- (a) Approved. Satisfactory compliance as determined and recorded by the Department of Public Health.
- (b) Auxiliary Food Equipment. Equipment not actually used in the preparation, storage and serving of food but incidental to the operation of the establishment such as heating, lighting, ventilation and electrical equipment and similar equipment.
- (c) Catering Establishment. An establishment where food is prepared for consumption away from the premises for service at entertainments, private houses, industrial establishments and similar places.
- (d) Eating and Drinking 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 establishments, feed establishments in private clubs and similar places preparing or serving food or drink.
- (e) Food service Equipment. Equipment used in the preparation of food and drink such as grills, stoves, cooking and warming equipment, steam tables, tables, mixers, cutting boards, meat

blocks and similar equipment.

- (f) 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.
- (g) Multi-Use Utensils. Knives, forks, spoons, cups, saucers, plates, glasses, table and fountain utensils and similar food utensils.
- (h) Potentially Hazardous Food: Any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.
- (i) Safe Temperature as applied to potentially hazardous food, shall mean an internal temperature of 45°F. or below, and 140°F. or above.
- (j) Sanitize: Effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the Department as being effective in destroying microorganisms, including pathogens.

2. WHOLESOMENESS OF FOODS

All food and drink shall be clean, wholesome and free from contamination, spoilage, hazardous chemicals, rodents, insects and insect parts and disease causing micro-organisms. Meat, meat products, milk, milk products, shellfish, ice cream and frozen desserts shall be from sources approved by the Department of Public Health. Shucked shellfish shall be kept in the container in which they were placed in the shucking plant until used. Records of the purchase of shellfish shall be kept for a period of 60 days following date

of purchase.

Milk and such milk products as shall be specified by the Department of Public Health shall be served in the original individual container in which they were received from the distributor or from an approved bulk milk dispenser. This requirement shall not apply to milk or milk products served with coffee, cereals, desserts or similar foods requiring milk or cream or their derivatives, which may be served from the original container or from any dispenser, urn, container or bottle approved for this purpose. All pork or pork products shall be heated to an internal temperature of 150°F.; unless the pork or pork product has been subjected to a prior treatment at the time of manufacture or by a subsequent heating, drying, freezing or other treatment as to render it free from trichinae organisms.

No hermetically-sealed, non-acid and low-acid food which has been processed in a place other than a commercial food processing establishment shall be used.

No food which has been previously served to any person or persons or returned from any counter or table shall be used in the preparation of foods, offered for sale or given away: Provided, that wrapped food which has not been unwrapped and which is wholesome, may be reserved.

Frozen foods, once thawed, shall not be refrozen.

3. FOOD PROTECTION

Food and drink shall be so prepared, stored, displayed, transported or served as to be protected from dirt, flies, insects and rodents, unnecessary handling, droplet infection, potential overhead leakage and all other contamination, and stored in such a manner as to prevent rodent harborage and permit ease of cleaning.

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 blind persons may be permitted in dining areas.

None of the operations connected with an eating and drinking or catering establishment shall be conducted in any room used as living or sleeping quarters.

No insecticide or other poisonous or deleterious substance shall be stored in any room where food or drink is stored, served, or prepared, except in a separate cabinet not used for any food purpose. All insecticides and similar materials shall be kept in properly labeled containers and shall be so employed as to prevent the contamination of food and drink, food preparation surfaces, utensils and equipment.

Unwrapped or otherwise unprotected displayed food which is subject to contamination through public handling, coughing or sneezing shall be protected by means of glass or similar partitions or through other approved means. Self-service establishments serving through counter fronts may have openings if these partitions are placed at such an angle as to protect the food contained therein from contamination from the customer's mouth and nose.

4. REFRIGERATION

All potentially hazardous food or drink shall be kept at or below 45°F. or above 140°F. provided that where required for preparation, serving or transportation, they may be kept at intermediate temperatures for a total time not to exceed two (2) hours. Where such potentially hazardous foods are displayed, prepared, transported, or served, a refrigeration system capable of holding all such foods at a temperature below 45°F. shall be provided and maintained. All

refrigeration systems shall be kept clean and in good repair. Ice used in contact with food shall be from approved sources and handled in a sanitary manner. A thermometer shall be installed and maintained in each refrigerator, and shall be easily visible.

Hot prepared food and drink may be air-cooled down to 140°F.

Foods shall be stored in the refrigerator so as to permit the free circulation of cold air, and in such a manner as to prevent contamination. To promote rapid cooling, potentially hazardous foods shall be stored in the refrigerator in shallow containers or by such other means that will insure the cooling of the total mass to a temperature of 45°F. or less within two (2) hours.

All potentially hazardous food shall be maintained at safe temperatures, except during necessary periods of preparation and service.

Wet storage of packaged, canned, or bottled food or drink is prohibited.

5. WATER SUPPLY

Hot and cold running water, under pressure, in amounts adequate to supply the peak demands of the establishment shall be provided in all rooms where food is prepared or utensils are washed. The water supply shall be of a safe, sanitary quality and water supply and plumbing shall conform to the Plumbing Regulations, Health Code, and Regulations thereunder.

6. CONSTRUCTION, REPAIR AND MAINTENANCE OF UTENSILS AND EQUIPMENT

All food service equipment, multi-use utensils, food storage and display equipment and auxiliary equipment used in an eating and drinking or catering place shall be constructed as to be easily cleanable and shall be maintained in good repair and operated in a sanitary manner.

All multi-use utensils and other utensils and equipment which surfaces come into contact with food and drink shall be made of smooth, corrosion resistant non-toxic material, kept in good repair and free of breaks, chips, cracks, rough areas, corrosion and open seams. Food contact surfaces shall drain freely and shall be easily accessible for cleaning, servicing and inspection.

Stationary equipment shall be installed and maintained in such a manner as to prevent the harboring of rodents and insects and to permit cleaning.

All equipment shall be designed, installed and operated in accordance with the criteria set forth by the National Sanitation Foundation or its equivalent.

Single service articles shall be made from non-toxic materials and shall have been manufactured, packaged, transported, stored and handled in a sanitary manner, and shall be used only once. Straws for drinking liquids 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.

7. CLEANING AND SANITIZING OF EQUIPMENT AND UTENSILS

All food service equipment, when in use, shall be cleaned at least daily. Food storage and display equipment, and auxiliary food equipment shall be kept clean and free from dirt, insects, rodents and other contamination.

Multi-use utensils and utensils and food contact surfaces of equipment used in the preparation of potentially hazardous food shall be subjected to a thorough cleaning and bactericidal treatment after each use. Such cleaning and bactericidal treatment shall consist of removing the gross particles of food and foreign substances from the multi-use utensil and then washing it in clean hot water. This

water shall contain sufficient amount of detergent, or other effective cleaning agent to remove the soil from the multi-use utensil. Immediately after such washing it shall be rinsed and subjected to an approved bactericidal process as described below to effectively sanitize the multi-use utensil. All such washing and sanitizing procedures of multi-use utensils shall be performed in equipment approved for manual or mechanical dishwashing. Approved bactericidal processes for manual washing and sanitizing multi-use utensils shall mean the treatment of the utensils by one of the following methods:

- (1) Hot water at a minimum temperature of 170°F. for at least thirty (30) seconds. A thermometer accurate to $\pm 3^{\circ}\text{F}$. shall be readily available to the sink to permit frequent checks of water temperature.
- (2) Hypochlorite compounds or chlorine containing compounds of equal efficiency at a minimum concentration of 50 P.P.M. for at least 1 minute at a temperature not less than 75°F.
- (3) Quaternary ammonium compounds at a minimum concentration of 200 P.P.M. for at least thirty (30) seconds at a pH of 5 or higher, and at a temperature of not less than 75°F.
- (4) Iodophor compounds at a minimum concentration of 12.5 P.P.M. for at least 1 minute at pH not higher than 5, and at a temperature not less than 75°F.

At no time during the sanitizing process shall the temperatures of the water or the concentrations of bactericides fall below those specified above. Provided: the Department shall remove from or supplement this list with any approved bactericidal process after chemical and bacteriological tests and field trials demonstrate its efficiency or lack of efficiency in sanitizing multi-use utensils.

No compound or method shall be used in the washing or sanitizing of multi-use utensils unless it has been demonstrated that no toxic residue is left in its normal manner of use. No bactericidal agent for the sanitization of multi-use utensils 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.

After the multi-use utensil has been sanitized by the final approved bactericidal process it shall be stored so as to drain dry and then kept in a manner as to prevent contamination. All multi-use utensils shall be stored so as to minimize hand contact by the food service personnel with the utensil surface contacting the mouth during eating. Multi-use utensils which are not used daily and are subjected to storage, shall be washed and sanitized before use.

Scoops, paddles or dippers used to dispense frozen desserts shall either be immersed in a receptacle with a constant flow of clear running water or washed in running water after each use and stored in a clean, dry place, or other approved method.

Manual washing and sanitization of multi-use utensils shall be done in approved equipment which shall consist of a sink of two (2) or more compartments equipped with hot and cold running water, with each compartment of adequate size. New installations or establishments under going extensive alteration or construction, or establishments where the existing two (2) compartment sink is used ineffectively, shall provide a sink of at least three (3) compartments. Stationary or mechanical glass washing brushes shall be required for the manual washing of glasses.

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. At least a two-compartment sink must be provided and used for washing kitchen equipment which does not require sanitization.

Dishwashing machines shall be of such materials and so designed and constructed as to be easily cleanable, and shall be capable, when operated properly, of rendering all surfaces of equipment and utensils clean to sight and touch, and sanitized.

When spray-type dishwashing machines are used, the following additional requirements shall be met:

- (1) Wash water shall be kept reasonably clean, and rinse-water tanks shall be so protected by distance, baffles, or other effective means as to minimize the entry of wash water into the rinse water.
- (2) The flow pressure shall be not less than 15 or more than 25 pounds per square inch on the water line at the machine, and not less than 10 pounds per square inch at the rinse nozzles.
- (3) The wash and final rinse cycles of all dishwashing machines, installed after the effective date of these regulations, shall be automatically timed. Existing dishwashing machines, if used improperly, shall be required to have the wash and rinse cycles automatically timed.
- (4) The wash-water temperature shall be at least 140°F. and in single-tank conveyor machines shall be at least 160°F. When hot water is relied upon for sanitization, the final or fresh rinse water shall be at a temperature of at least 180°F. at the entrance of the manifold. When a pumped rinse is provided, the water shall be at a temperature of at least 170°F. When chemicals are relied upon for sanitization, they shall be of

a class or type approved by the Department, and shall be applied in such concentration and for such a period of time as to provide effective sanitizing treatment of the equipment and utensils.

- (5) An easily readable thermometer shall be provided in each tank of the dishwashing machine which will indicate to an accuracy of $\pm 3^{\circ}\text{F.}$ the temperature of the water or solution therein. In addition, a thermometer of equal accuracy shall be provided which will indicate the temperature of the final rinse water as it enters the manifold.
- (6) Jets, nozzles, and all other parts of each machine shall be maintained free of chemical deposits, debris, and other soil. Automatic detergent dispensers, if used, shall be kept in proper operating condition.
- (7) When an immersion-type dishwashing machine is employed for equipment and utensil washing and sanitizing, the applicable requirements pertaining to manual dishwashing shall be met: Provided; That a two-compartment system shall be deemed adequate when the temperature of the wash water is maintained at or above 140°F. , and hot water at a temperature of at least 170°F. is used as the sanitizing agent. Thermometers, accurate to $\pm 3^{\circ}\text{F.}$, shall be provided on the wash and rinse compartments, When automatic cold water glass washers are employed for washing and sanitizing glasses the following provisions shall be met:
 - (1) The washer shall be self-cleaning and sanitizing.
 - (2) All used water shall flow out of the washer immediately following use.
 - (3) The washer must contain brushes or employ other effective means

which will adequately clean both the inside and outside of the glass.

- (4) The detergent-sanitizer used shall be one that is expressly for use in cold water glass washers and is effective.

Any other type of machine, device, or 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, or facilities and procedure will routinely render equipment and utensils clean to sight and touch, and provide effective bactericidal treatment.

Public eating or drinking places which do not have adequate and effective facilities for cleaning and sanitizing multi-use utensils shall use single-service articles.

8 HEALTH AND CLEANLINESS OF EMPLOYEES

All 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 to protect the food from contamination from human hair. Employees shall not expectorate or use tobacco in rooms in which food is handled.

Proprietors and employees of eating and drinking and catering places who prepare or serve food, or handle or wash food utensils and equipment or regularly work in the food service or preparation area shall obtain annually a chest X-ray examination and certificate thereof approved by the Department of Public Health. No proprietor shall employ any person as specified above unless such person obtain a chest X-ray and certificate.

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 an eating or drinking or catering establishment, and no eating and drinking or catering establishment shall employ any such person or any person suspected of being affected with an infection or disease in a communicable form or of being a carrier of such disease. If the eating and drinking or catering establishment proprietor suspects that any employee has contracted any infection or disease in a communicable form or has become a carrier of such infection or disease, he shall notify the Department of Public Health immediately.

9 TOILET FACILITIES

Toilet facilities shall be provided for the proprietor and employees of the establishment during working hours. Such toilet facilities shall be conveniently located and be adequate to provide for the number of employees working in the establishment. Provided, that when approved by the Department, the establishment may be authorized to use toilet facilities not located directly within the establishment. Toilet room doors shall be self-closing. Toilet tissue shall be provided. Toilet rooms shall be constructed with easily washable floors and walls and shall be kept clean, well illuminated and in good repair. Toilet rooms shall be ventilated to the outside air as prescribed in the Plumbing Regulations and discharge vents shall conform to the requirements of the Air Pollution Control Ordinance and Regulations thereunder. Durable legible signs shall be posted conspicuously in each toilet room directing employees to wash their hands before returning to work.

For all new establishments or establishments undergoing alterations, toilet facilities separate for each sex shall be provided on the premises for patrons and shall be located so as not to require the patrons to pass through any food preparation area

provided, that the toilet facilities need not be provided for patrons wherever food is not consumed within the establishment, or where only carry-out food is provided. Facilities shall be provided for sanitary napkins in toilet rooms for women.

10 LAVATORY FACILITIES

Adequate lavatory facilities shall be available at all times. These shall consist of a handwashing sink with hot and cold running water located in or convenient to the toilet room, and soap and sanitary towels or other approved drying facilities in suitable holders or dispensers. Common towels are prohibited. No person shall resume work after using the toilet room without first washing his hands. Handwashing sinks with hot and cold running water, soap and sanitary towels shall be provided convenient to all food preparation rooms or areas and in no case shall be located more than fifty (50) feet from the entrance point of such a room, but in all cases, it shall be in the establishment. Dishwashing sinks and sinks used for the preparation of food, shall not be used for handwashing.

Where the water temperature is above 110°F., a mixing valve or combination faucet shall be provided.

11 DISPOSAL OF WASTES

All liquid wastes shall be disposed of in accordance with the requirements of the Plumbing Regulations, Health Code and regulations thereunder and any other applicable laws, ordinances and regulations. All garbage and rubbish containing food wastes shall, prior to disposal, be kept in leak-proof, nonabsorbent containers which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use. All other rubbish shall be stored in containers, rooms or areas in an approved manner. The rooms, enclosures, areas and containers used, shall be adequate for the storage of all food waste and rubbish accumulating on the premises.

Adequate cleaning facilities shall be provided, and each container, room or area, shall be thoroughly cleaned after each emptying or removal of garbage and rubbish. All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a hazard to health, but shall in no case, exceed three (3) days.

Drains from refrigerators, ice boxes, or other receptacles, appliances, devices, or apparatus 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.

Cleaning wastes shall not be emptied into sinks used for the preparation of food or the cleaning and sanitizing of utensils.

12 FLOORS

The floors of all rooms in which food or drink is stored, prepared or served, or in which utensils are washed shall be constructed so as to be easily cleanable, and shall be kept clean by using dustless methods and in good repair, and free of open holes or cracks. Floor drains shall be provided 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. The juncture between the floor and wall shall be closed, and in new establishments, or those extensively altered, it shall also be covered.

13. WALLS AND CEILINGS

The walls and ceilings of all rooms shall be kept clean and in good repair. The walls and ceilings of those rooms in which food is stored, or where food is prepared, or where utensils are washed, excepting those rooms where only unopened food cans, cartons, sacks or the original shipping containers are stored, shall in addition

be smooth, constructed of a washable material and be finished in a color which will not conceal the presence of soil or dirt.

14 INSECT AND RODENT CONTROL

Effective measures shall be taken to protect against the entrance into the establishment, and the breeding or presence on the premises of insects and rodents. Insects and rodents shall not be present in any part of the establishment.

15 LIGHTING

All working surfaces on which food or drink is prepared, or in which utensils are washed shall be provided with natural and/or artificial light sufficient to provide and illumination of at least twenty (20) foot candles. Rooms used only for food storage shall be provided with sufficient light to provide illumination of at least five (5) foot candles at a point thirty (30) inches above the floor level. All other areas shall be sufficiently lighted.

During all clean-up activities, adequate light shall be provided in the area being cleaned, and upon or around equipment being cleaned.

16 VENTILATION

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. Rooms in which food or drink is prepared shall be provided with mechanical ventilation facilities sufficient to remove objectionable odors and vapors, to prevent condensation, and the accumulation of grease on walls or ceiling and fixtures. All mechanical ventilation devices including blowers, canopies, hoods and ducts shall be so constructed as to be easily cleanable and shall be so cleaned as to prevent grease or other materials from dropping into food or onto food preparation surfaces.

All exhaust outlets from mechanical ventilating 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 Pollution Code and any regulations thereunder.

17 GENERAL ITEMS

(a) The surrounding outer premises appertaining to the establishment shall be kept clean and free of litter and refuse, and from all other conditions that may serve as rodent harborages or to attract flies and other insects. All exterior areas where food is served, shall be kept clean and properly drained, and surfaces in such areas shall be finished so as to facilitate maintenance and minimize dust.

(b) Facilities shall be supplied for the storing and hanging of employees' clothing and such facilities shall be kept clean. These shall be separated from rooms where food or drink is prepared unless placed in a closet or a closed compartment.

(c) Soiled linens, coats and aprons shall be kept in containers provided for that purpose.

(d) Table cloths, napkins and other table linens shall be laundered and clean.

18 PLAN REVIEW

Before work is begun in the construction, remodeling or alteration of an eating or drinking place where food is prepared, stored or served, or in the conversion of an existing establishment to an eating or drinking place, properly prepared 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.