



## Farmers Market Frequently asked Vendor Questions:

### **What is Act 106?**

Act 106 of 2010 is a law designed to clarify and strengthen oversight of food safety inspections for all retail food facilities in Pennsylvania. A retail food facility is any place that sells food, directly or indirectly, to the public. Signed into law Nov. 23, 2010 and enacted Jan. 22, 2011, Act 106 sets statewide standards for food safety inspections and establishes the PA Department of Agriculture as a central repository for inspection reports and information.

Act 106 was an important step forward for food safety in Pennsylvania, as over the years retail food facilities have increased - from cafes in book stores and grocery stores to made-to-order operations in gas stations and convenience stores. This explosion of places to purchase and consume food has increased demands on state and local food safety inspectors and challenged an existing law that needed to be updated to better reflect the modern food system.

### **What does Act 106 cover?**

Act 106 covers a wide variety of food industry partners, including food processors, mobile food cart vendors, restaurants, organizations serving more than three public meals per year, grocery stores, and farmers markets. The PA Department of Agriculture alone inspects more than 40,000 retail food facilities each year, and county/local health departments complete more than 60,000 food safety inspections. The City of Warren is responsible for over 65+ inspections annually.

Act 106 also clarifies other food safety requirements that existed by law but were not clear to regulated individuals and operations - including an updated definition specific to farmer market vendors. With Act 106, and since 2011 individual farmers market vendor stands rather than the farm market as a whole, are now retail food facilities

and, as such, must have individual licenses (when/if applicable) to sell products. Vendors selling raw agricultural products and/or pre-packaged non-potentially hazardous products are exempt from licensing requirements.

### **Who was involved in the creation of the law?**

As with most laws, Act 106 encompasses feedback from many stakeholders and regulated organizations. This includes insight that was shared by statewide farm and food organizations, individual farmers representing many different farm sizes, food business operators and non-profit organizations.

While Act 106 covers a very diverse group, its overarching goal is to protect consumers and create consistent inspection standards across the state.

### **What changes are in place for the farmers market season since 2011?**

As mentioned above, the main change for those who participate in farmers markets is that since 2011 each individual stand is a retail food facility, and will be required to have their own license (if applicable).

### **Why do farmers market vendors now have to have their own retail food facility license?**

In previous years, the "Market Master" had a retail food facility license that was designed to cover the entire market. As farmers markets grew both in terms of population (1545 markets in PA as of 2013) and the number of markets that were adding ready-to-eat offerings (such as cafes, restaurants, food carts, etc.), there were increasingly higher food safety risks, and several incidents of entire farmers markets being closed due to food safety violations related to a single vendor. To ensure that all vendors would not be negatively impacted by the actions of non-compliant neighbors, Act 106 recognizes each individual stand as its own unique entity with its own responsibilities for assuring safe food for the consumer.

## Types of Vendors/Stands at Farmers Markets

### What are my license and inspection requirements as a vendor for the Farmers' Market?

There are six (6) types of products that may be sold at farmers markets. Below the six types of products are defined, along with their required applications/licenses.

Type of Product	Definition	Requirements
Raw Agricultural Products	Fruits and vegetables from the farm that <b>have not</b> been processed.	<b>Exempt</b> from licensing requirements but are still subject to inspection by Warren Health Officer.
Pre-Packaged, Non-Potentially Hazardous	May include baked goods, jams, candy, canned pickled products, , apple cider, honey products, maple syrup, etc.**  **PA Department of Agriculture registration required for home processing.	<b>Exempt</b> from licensing requirements; a Retail Plan Review application must be submitted to City of Warren Health Officer.
Unpackaged, Non-Potentially Hazardous	May include baked goods that are sold loose/unwrapped (cake, cookies, bread, bulk candy, etc.)**  **PA Department of Agriculture registration required for home processing.	A Temporary or Permanent Retail Food Facility license is required contact City of Warren for license information.
Pre-Packaged, Potentially Hazardous	Includes items that are temperature sensitive, such as meats, milk, cheese and eggs.	A Temporary or Permanent Retail Food Facility License is required. Contact the city of Warren for license information.

Unpackaged, Potentially Hazardous	Typically covers areas such as deli or meat counters.	A Temporary or Permanent Retail Food Facility License is required. Contact the City of Warren for license requirements.
Ready-To-Eat on the premises	Food sold for immediate consumption, including food carts, cafés and restaurants.	A Temporary or Permanent - Retail Food Facility License is required. Contact the city of Warren for license requirements.

\* Stands selling raw agricultural products may still be inspected to ensure that they are selling only those products that are exempt from licensing requirements and that all products sold meet state food code standards.

\*\* Items must be made in a kitchen/facility that is licensed and inspected by the PA Department of Agriculture.

## Licensing and Inspections

### What licenses might be required if I want to sell at a farmers market?

The table above indicates when a license or application is required. A complete checklist of requirements for farmers market vendors can be found in the Farmers Market Vendor Food Safety Guidance Document, available on [www.cityofwarrenpa.gov](http://www.cityofwarrenpa.gov).

### What is the definition of a potentially hazardous food?

The full, formal definition of potentially hazardous foods can be found in the Pennsylvania Department of Agriculture Farmers Market and Farm Stand Inspection and Licensing Guidelines document, located on [www.EatSafePA.com](http://www.EatSafePA.com) under the "Guidance for Farmers Market Vendors" tab. The definition comes from the U.S. Food and Drug Administration, and includes very specific parameters for pH and levels. For purposes of farmers markets, paragraph (1) of the FDA definition notes "Potentially

hazardous food means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation." This also includes raw seed sprouts, cut melons, cut tomatoes and other items. In short, foods that must be kept cold or hot to prevent food safety issues/outbreaks.

### **What is a New Farmers Market Vendors Retail Plan Review application and when does this need to be completed?**

A Retail Plan Review application is a document that provides insight on your operation and the products being sold. **This application is required if you are selling anything other than raw agricultural products at your stand.** The application must be completed and filed with the City of Warren. This application is required one time only, unless you significantly alter your physical farm market stand, what products are being sold or the stand changes ownership.

A consolidated version of the Retail Plan Review application has been created specifically for farmer's market vendors and can be found on [www.cityofwarrenpa.gov](http://www.cityofwarrenpa.gov) under "Health Officer" tab.

### **If I sell bagged, cut greens at my farmers market stand, what am I required to do? Do the greens have to be washed in an "approved" facility?**

Cut greens that are harvested/cut from the field, but are essentially in their natural state, such as loose spinach leaves, stalks of green /red leaf lettuce, or heads of iceberg lettuce, and bagged or wrapped for consumers to prepare at home are considered to be raw agricultural products. As such, the expectation is that the consumer will wash or further chop/cut the greens at home before final preparation/serving.

### **If I have a Warehouse registration, do I also need the Retail Food Facility license?**

Yes. The Warehouse registration is specific to the facility where you are storing food products for further distribution. If your facility is registered as a home or other food processor you do not need an additional warehouse registration for that facility. The registration is not tied to the Retail Food Facility license; the Warehouse registration

covers storage facilities not at the point of sale. Persons wishing information should contact the Department of Agriculture.

### **I process and package chickens on my farm and sell them at local farmers markets. What do I need to do?**

If poultry processing takes place on-farm not licensed and inspected by the U.S. Department of Agriculture (USDA), the PA Department of Agriculture (PDA) must register and inspect the on-farm processing and the warehousing facility. If the products are being processed off-the-farm, but subsequently stored on the farm, the off-farm processing facility must be inspected by USDA or PDA, and the on-farm storage is required to have a Warehouse registration by PDA. This registration and the related inspection will ensure the product is properly stored in a clean, temperature-appropriate facility.

To sell the products at a farmers market, a Retail Food Facility license from the City of Warren is required and the stand must meet all PA State standards to sell pre-packaged, potentially hazardous food.

### **What do I need to sell dried herbs?**

Dried herb processors can qualify to register as home food processors with the Department of Agriculture. A Retail Food Facility license will not be required for retail of dried herbs to the consumer because this would be a pre-packaged non-potentially hazardous food.

### **If I am selling pre-made, wrapped sandwiches from my own bakery/café at a farmers market, do I need a Retail Food Facility license?**

If the Farmer's Market is located in Warren and the sandwich contains (meat, cheese, certain condiments and garnishes), it is most likely a pre-packaged, potentially hazardous food, in which case a Retail Food Facility license is required from the City of Warren.

### **I want to sell cut melons and cantaloupes at an outdoor farmers' market. What do I need to do?**

If the melons are sliced/processed and packaged in a licensed and inspected kitchen or facility, you must have a Retail Food Facility license to sell at the farmers markets and be able to control the temperature of the packaged melon slices while at the market (ice/coolers are acceptable). If the melon slices are not pre-packaged, the products will be considered unpackaged potentially hazardous or ready-to-eat foods and must meet all related requirements.

### **What if you sell meat and vegetables together at a farmers market stand?**

Meats are considered potentially hazardous products, so a Retail Food Facility license is required. Depending on whether or not the meat is packaged, you will have to meet the criteria for either Pre-Packaged, Potentially Hazardous Food or Unpackaged, Potentially Hazardous Food.

### **What do I need to do if I am selling meat products processed at a USDA-inspected facility?**

If you are selling these items at the farmers market, you will need a Retail Food Facility license as they are potentially hazardous products. If you pick the products up from the processing facility and store them somewhere, you will also need a Warehouse registration and inspection. If you pick the items up from the USDA-inspected facility and take them directly to the farmers market for sale, no Warehouse registration is required.

### **What do we need if we are selling meat and eggs off the farm?**

Meat and eggs are both potentially hazardous food products. A Retail Food Facility licensed is required to sell them at markets; the packaging of the meat (pre-packaged or unpackaged) will determine the equipment necessary to operate the stand.

## **What is required if I want to sell eggs?**

Eggs are considered a potentially hazardous food product, and a farm market vendor selling eggs will be required to complete an application and obtain a Retail Food Facility License. Egg Processing is governed by the PA Egg Refrigeration Law. Under this law, egg processors with fewer than 3200 laying hens may be exempt from an Egg Processing License and can sell eggs under the following criteria; must be sold within five (5) days from the date of the lay; must be sold predominately within a 100 mile radius of the production or processing facility; must be maintained at 60 degrees or less from the time of gathering to the time of sale - including the period of time when the eggs are at the farmers market (ice/cooler is an acceptable way to maintain temperature); each carton, flat or container of eggs must be appropriately labeled with the following:

- Name and address of producer
- Date of lay
- Statement of identity (Eggs)
- Net contents (in letters at least 3/16 of an inch high)
- The words "Keep Refrigerated"
- Egg handling instructions

If you do not weigh the eggs or if they are mixed sizes and you do not wish to assign a grade, the carton, flat or container must be labeled as "Unclassified." In addition, all dirty, leaking and cracked eggs must be removed prior to sale.

## **Are eggs considered a high risk food?**

Eggs are considered a potentially hazardous food. For purposes of sale at farmers markets, if the eggs are from an exempt egg processor that meets the requirements of the PA Egg Refrigeration law, the designation of the retail food facility as high risk will not apply. Eggs from an exempt egg processor are an approved food product for retail sale; however, the retail sale of eggs at a farmers market is by Law a Retail Food Facility and must be licensed.



## **What do I need if I am processing and selling chicken on the farm and not at a market?**

Farmers processing and selling fewer than 20,000 chickens per year are exempt from USDA licensing and inspection, however the farm will most likely require licensing and/or registration and inspection by the PA Department of Agriculture (PDA).

If you are selling the processed chickens on the farm, but do not have a 'storefront' or formal retail facility with food products on display, but simply sell by order, or from a 'warehouse facility,' you may only require a Food Processor registration and not require a Retail Food Facility license. If you have a storefront, retail display of food products, on the farm, and do not sell products off-the farm, you may only require a Retail Food Facility license. Processing poultry is a unique agricultural food processing activity, and your specific circumstances should be discussed with your local PDA Food Sanitarian to determine the appropriate licensing and registration requirements.

## **What do you need if you are selling meat products outside of Pennsylvania?**

Most meat and poultry products slaughtered and processed within Pennsylvania, but sold outside of Pennsylvania (interstate commerce), must be slaughtered and processed under USDA inspection and bear the USDA mark of inspection. If the processing is done by a USDA-inspected facility, the Department does not play a role in the processing component. If you are storing the meat somewhere after processing and before sale, you are required to have a Warehouse registration from the Department.

## **Is an agricultural cooperative that sells products from multiple farms considered a vendor?**

If a group of producers comes together to form a cooperative, that cooperative will be recognized as one vendor for the purposes of issuing a retail food facility license. Similar to all other retail food facilities, the types of products being sold will determine if the facility is exempt from licensing, and if not exempt what criteria must be met for the required licensing.

## **If I have a Cheese Manufacturing permit from the Department of Agriculture, do I need a Warehousing license?**

No. Storage of the final product is a part of the licensing and inspection process for the Cheese Manufacturing permit.

## **Are CSA's considered Farmers Markets?**

Because Community Supported Agriculture (CSA) operations work based on members paying shares and picking up **raw agricultural products** at the farm, they are not considered a farmers market and no license is required. Consumers have the opportunity to review the prevailing conditions on the farm and make their own decision on whether or not to join the CSA. If CSAs are producing value-added products, or further processed products, the individual processors of these products should be registered with the Department to manufacture food products before providing them to consumers, including members of the CSA.

## **What if CSA members want to pick up shares/product at a farmers market stand location?**

Depending on the type of product, the stand may then need a Retail Food Facility license. If the only items being sold/distributed are raw agricultural products, the stand remains exempt.

## **What are the penalties for non-compliance?**

Retail Food Facilities under the jurisdiction of the City of Warren could have the following penalties imposed:

- a. In addition to any penalties authorized by law, any person violating a provision of this Ordinance, or any person who prevents the Health Officer from entering into or inspecting any premises in the exercise of the Health Officer's powers and duties conferred by this Ordinance and any and all rules and regulations of any agency or department of the Commonwealth of Pennsylvania , and any person aiding, abetting or assisting in the violation of a provision of this

Ordinance, commits a summary offense for the first or second offense and shall, upon conviction thereof before a Magisterial District Justice, be subject to a fine of not less than \$100.00, but not more than \$300.00, and the costs of the prosecution. Any person who prevents the Health Officer from entering into or inspecting any premises in the exercise of the Health Officer's powers and duties conferred by this Ordinance and any and all rules and regulations of any agency or department of the Commonwealth of Pennsylvania , and any person aiding, abetting, or assisting in the violation of a provision of this Ordinance commits a misdemeanor of the third degree if the violation is a third or subsequent offense, and if the violation occurs within two (2) years of the date of the last previous offense, and shall upon conviction, be subject to imprisonment or a fine of up to \$10,000, or both, and the costs of the prosecution.

- b. A person continuing a violation of a provision of this Ordinance after written notice of said violation by the City of Warren, or after service of a summons, shall be guilty of, and may be prosecuted for, a separate violation for each day the violation is continued.

## **Selling in Multiple Locations and Jurisdictions (Licensing and Inspection)**

### **Why can't I get multiple licenses with my Retail Plan Review application?**

Act 106 is very clear that a license is required for each physical retail location, unless you can be licensed as a mobile unit through the Department of Agriculture (in which case you are still required to have the actual license present with you when operating).

Vendors who operate at more than one farmers market and require a retail food facility license may utilize the "mobile unit" option offered by the Department of Agriculture and it will be recognized by the City of Warren. To be licensed as a "mobile unit,"

vendors must set-up and tear-down at each farmers market site, removing all food products from the stand. As the actual license is required with the stand, the "mobile unit" option does not allow vendors to operate multiple stands on the same day.

**How do I find out who handles licensing and inspections for the farmers markets I participate in?**

On [www.EatSafePA.com](http://www.EatSafePA.com) under the "Guidance for Farmers Market Vendors" tab there will be a link to a list of counties and municipalities that provide their own food safety inspection services. The Department of Agriculture has jurisdiction for all other areas.

**If I sell in different counties, will the requirements change in each area?**

One of the main objectives behind Act 106 was to institute uniform food safety standards across the state - the PA Food Code. There is the possibility that you may attend farmers markets that fall in different jurisdictions (with the Department inspecting in some and county/local health departments inspecting in others); under Act 106, the standards used to conduct inspections are to be the same across the state, however county/local health departments have the ability to charge different prices for any licenses they require.

**Will the Department share licensing information with other inspection entities (county/local health departments)?**

The Department of Agriculture will provide information on licensees to any county/local health department that requests it. If you are selling products that must be from an approved source (such as baked goods), you should have easily-accessible proof that you are in compliance with this requirement. This is especially important when selling items from an approved source in a different jurisdiction.

## **Guidelines for Product Samples**

### **I want to offer samples of my products for customers to try. Is that allowed under the new law?**

During the inspection of your market stand, the City of Warren Health Officer will review your handling of samples to assure that it is accomplished in a safe manner. If your samples are of single servings of non-potentially hazardous foods, this is a much lower risk than samples of potentially hazardous food products. Samples should be maintained under temperature control if the nature of the food requires this. If samples are prepared at the market, the vendor should have access to appropriate handwashing facilities, and either have adequate utensils and equipment for preparation, or access to warewashing. An alternative to preparing samples on sight at the market is to prepare them in your approved, inspected facility, and bring them to the market.

## **Necessary Equipment/Sinks/Etc.**

### **What type of sink/washing area am I required to have?**

As the products being sold and equipment being used on-site at the market will drive what equipment is necessary, vendors should have a conversation with the Health Officer when planning to share a sink/washing area.

### **If I sell wrapped frozen meat and packaged eggs, do I need a handwashing station?**

If you are selling only wrapped frozen meats and cartoned eggs, hand wipes will suffice for handwashing. This is a low risk operation because of the minimal risk of cross contaminating these foods.

### **The farmers market I participate in is held in a parking lot. How do I instill a handwashing station? Can vendors share handwashing sinks?**

Handwashing sinks at a farmers market may be shared by multiple vendors as long as the sink is convenient and accessible to the vendors that are required to have access to a handwashing sink. **(City Health Inspector can provide insight on when an actual sink/handwashing station is required and when sanitizing hand wipes**

**can be utilized.)** A sink is not considered to be convenient and accessible if you must open a door, or touch anything in order to return to your food preparation areas after handwashing.

If an actual handwashing station is required, there are portable units that feature an internal water supply tank, small hot water heater and waste water holding tank; these can be set up and used at open air markets.

**I have a walk-in cooler to hold my vegetables and herbs for a few days. Do I need a permit for warehousing?**

Raw Vegetables and fresh herbs are considered raw agricultural commodities and are exempt from warehousing requirements. Temperature control for these foods impact product quality, but do not pose a formal food safety risk.

**I haven't heard anything about transporting meat. Are we still allowed to transport in coolers or do we need to invest in cooling systems?**

Coolers and ice can be used under the following conditions: Capable of maintaining products at 41 degrees Fahrenheit or below, or frozen, if frozen meat; the foods are not submerged in the ice; the ice chest or cooler must be able to allow for water drainage; food products in the cooler cannot cross contaminate (for instance, refrigerated raw chicken and raw beef cannot be together); ice chests or coolers must be washable (no exposed Styrofoam) and kept clean.

## **Processing/Packaging of Food Products**

**Do any new rules apply to licensed/inspected home-processing facilities?**

No new rules apply, however, please be reminded that the City of Warren requires Home Based Business to register through application with the City's Zoning Administrator.

**Are cut greens such as spinach considered potentially hazardous foods? Are there specific rules about how to cut/trim certain produce (cabbage, broccoli, etc.)?**

Cut greens that are harvested/cut from the field, but are essentially in their natural state, such as loose spinach leaves, stalks of green /red leaf lettuce, or heads of iceberg lettuce, and bagged or overwrapped for consumers to prepare at home are considered to be raw agricultural products. As such, the expectation is that the consumer will wash or further chop/cut the greens at home before final preparation/serving. There are no specific field cutting or trimming practices mandated by the Department of Agriculture during harvest or market preparation.

Cut greens that are pre-packaged for consumers to prepare at home are considered by the Department of Agriculture to be raw agricultural products. As such, the expectation is that the consumer will wash the greens at home before final preparation/serving.

**If I want to process foods at home, what do I need to do?**

The Department's Home Food Processor Guidelines can be found at [www.EatSafePA.com](http://www.EatSafePA.com) under the "Guidance for Farmers Market Vendors" tab.

## **Food Employee Certification**

**If I sell potentially hazardous foods, do I need an employee on-site who is a certified food handler (has been ServSafe certified or similar)?**

If you are selling pre-packaged potentially hazardous foods there is no food employee certification requirement.

If you have unpackaged potentially hazardous foods or are serving ready-to-eat products, you must have a certified person in charge on-site during all hours of operation.

## **Are there any exemptions to the food employee certification requirements?**

The following retail food facilities are exempt from the food employee certification:

- Retail Food Facilities selling only commercially pre-packaged foods
- Retail Food Facilities selling only non-potentially hazardous foods
- Certain non-profit organizations
- Certain groups operating in support of school-age youth extracurricular activities

## **Employee Health Policy**

### **What is an Employee Health Policy, and what are the requirements at a Farmers Market?**

All retail food facilities need a verbal or written health policy. This means each facility (i.e. farmers market vendor) has to make their employees aware that they must inform the operator that they are ill with any gastrointestinal symptoms, or fever. By law, operators of a retail food facility are not allowed to let sick employees work with exposed food.



## Licensing & Jurisdiction Questions:

### **Will my inspector change?**

Most likely the inspector you have will not change. The City of Warren will continue to use the services of Dr. Dennis Olson in 2014.

### **My retail food facility is in a local jurisdiction. How will Act 106 impact me?**

All retail food facilities currently inspected by a local health official will continue to be inspected by a local official. Act 106 improves uniformity of the inspection process, so all local jurisdictions will be held to Pennsylvania Department of Agriculture Food Code.

If you are a retail food facility in a local jurisdiction and were additionally inspected by the Department of Agriculture, you will no longer be inspected by the Department. The City of Warren will have sole jurisdiction for licensing and inspection of retail food facilities in our area.

### **My church has a bake sale every Sunday for charity, do I need a license?**

No, you will not have to obtain a license from the City of Warren to have bake sales if you are selling items that are not potentially hazardous (no refrigeration or heating required).

### **I sell my garden vegetables at the farmers market, will I have to be licensed?**

No, you will not have to obtain a license from the City of Warren to sell your raw vegetables from the garden. However, you will be subject to inspection by the City Health Officer for compliance with requirements of the PA Food Code.

### **I own a wholesale/processing operation in Pennsylvania. Will this Act affect me?**

Wholesale operators, including home food processors, will not see fundamental changes in licensing or inspection. The Department of Agriculture will retain sole jurisdiction over all wholesale, processing, warehousing and distribution facilities in Pennsylvania.

There are NO exemptions from fees under Act 106. All wholesale, processing, warehousing and distribution facilities in Pennsylvania will be required to pay the \$35 Department of Agriculture registration fee.

Under Act 106, the Department of Agriculture will continue to utilize the Code of Federal Regulations to regulate these facilities.

### **What retail food facilities are exempted from licensing but not inspection?**

Act 106 exempts two types of retail food facilities from licensing, but not inspection, and allows for other exemptions to be made by order of the Secretary and notice in the Pennsylvania Bulletin.

Retail food facilities where only prepackaged, non-potentially hazardous food or beverages are sold and those that sell only raw agricultural commodities are exempt under the act.

An ordinance passed by the City of Warren Exempts certain categories of retail food facilities from licensing. Exemptions include:

- a. A food bank owned by a charitable nonprofit entity and operated for charitable or religious purposes
- b. A retail food facility that is owned by a charitable nonprofit entity and that is one (1) or more of the following:
  - 1) Managed by an organization which is established to promote and encourage participation or support for extracurricular recreational activities for youth of primary and secondary public, private, and parochial school systems on a not-for-profit basis. This subparagraph does not apply to organized camps.
  - 2) Offers only foods that are non-potentially hazardous foods or beverages.
- c. School cafeterias.

- d. A retail food facility in which food or beverages are sold only through a vending machine.
- e. A retail food facility which is owned by a church, association of churches or other religious order, body or institution which:
  - 1) Qualifies for exemption from taxation under Section 501(c)(3) or (d) of the Internal Revenue Code of 1982 (Public Law 99-51, 26 U.S.C. §501)
  - 2) Is not subject to unrelated business income taxation under Section 511, 512, or 513 of the Internal Revenue Code of 1986 for activities undertaken under the Act.

A retail food facility that is exempted from the license requirements shall remain subject to inspection and all other provisions of the Act.

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## Inspection Questions:

### **Will all inspections be done the same way now?**

Every inspector goes about their inspections a bit differently; however, the Pennsylvania Department of Agriculture Food Code will be "the standard" used to inspect retail food facilities - no matter what the licensing jurisdiction. The Pennsylvania Department of Agriculture Food Code will be guided by the U.S. Public Health Service, Food & Drug Model Food Code in the future through the normal regulatory process.

### **Will I have new requirements in my facility?**

No. Act 106 did not change the fundamental food safety requirements of your retail facility. The regulation, Chapter 46 Food Code, has not changed. In the future, the Pennsylvania Department of Agriculture Food Code will be guided by the U.S. Public Health Service, Food & Drug Model Food Code in the future through the normal regulatory process.

To view the current regulation, Title 7, Part 3, Chapter 46, view the Bureau of Food Safety webpage for Retail Food Facilities and Restaurants.

For processors and wholesalers of food in Pennsylvania, the Department of Agriculture will continue to utilize the Code of Federal Regulations, as they relate to food, to regulate these facilities.

### **Will inspection results be available to the public?**

All local health departments (the City of Warren) are required by Act 106 to submit their inspections monthly to the Pennsylvania Department of Agriculture to be posted on a searchable online database at [www.EatSafePA.com](http://www.EatSafePA.com). This will provide greater transparency of food inspections to consumers so they may make informed decisions when dining out or purchasing food from one of the state's food retail facilities. Additionally, monthly reporting will allow the Department of Agriculture to have oversight of the inspections completed by. If inspections are not being completed, the department may assume the responsibility for inspecting these facilities.

### **If I do not pass my inspection, will it cost me more now?**

Yes, a re-inspection fee of \$50.00 - \$100.00 is charged.

## **Food Employee Certification Questions:**

### **What do I have to do to get certified?**

Food employees who want to obtain food employee certifications, must locate a course with an ANSI-CFP accredited exam program. Currently three programs are accredited - ServSafe, National Registry for Food Safety Professionals, and Prometrics, Inc. The Bureau of Food Safety webpage for Food Employee Certification contains a list of providers. [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us).

## **Does the Department of Agriculture regulate Food Employee Certification statewide?**

No. Retail food facilities located in Allegheny, Bucks, Chester, Montgomery and Philadelphia counties, and State College and Lansdale boroughs, to follow the FEC rules of that local jurisdiction. The City of Warren is regulated by the Department of Agriculture.

## **Who is required to have a certified food employee?**

All retail food facilities that do not meet one of the exemption categories must have at least one certified food employee. Under Act 106, the certified food employee must be the Person in Charge when physically present, and must be accessible (by phone or electronically) at all times the facility is operating. A person in charge is defined as "a person designated by a retail food facility operator to be present at a retail food facility and responsible for the operation of the retail food facility at the time of inspection."

## **Who is exempt from the food employee certification requirements?**

Exemptions under the previous law were not removed with Act 106. Non-profit entities, retail food facilities selling only commercially prepackaged foods and retail food facilities handling only non-potentially hazardous foods remain exempt. Act 106 also removed the requirement for wholesale food establishments, such as food processors and warehouses, to have a certified food employee.

## **Who will enforce the Food Employee Certification Requirements?**

The City of Warren Health Officer still monitors and enforces food employee certification requirements in the City of Warren, meaning each retail food facility must have (and post the certificate of) one certified employee.