

<h1>Regulatory Analysis Form</h1>	<p>This space for use by IRRC</p> <p>RECEIVED</p> <p>2004 FEB -4 PM 3:20</p> <p>DEPARTMENT OF AGRICULTURE REGULATORY REVIEW COMMISSION</p>
	<p>IRRC Number: 2389</p>
<p>(1) Agency</p> <p>Department of Agriculture</p>	
<p>(2) I.D. Number (Governor's Office Use)</p> <p>2-145</p>	

(3) Short Title  
Food Employee Certification

<p>(4) PA Code Cite</p> <p>7 Pa. Code Chapter 76</p>	<p>(5) Agency Contacts &amp; Telephone Numbers</p> <p>Primary Contact: Martha M. Melton (717) 782-8354</p> <p>Secondary Contact: Bobby McLean (717) 787-4315</p>
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<p>(6) Type of Rulemaking (check one)</p> <p>Proposed Rulemaking <input checked="" type="checkbox"/> XXX</p> <p>Final Order Adopting Regulation <input type="checkbox"/></p> <p>Final Order, Proposed Rulemaking Omitted <input type="checkbox"/></p>	<p>(7) Is a 120-Day Emergency Certification Attached?</p> <p>No <input checked="" type="checkbox"/> XXX</p> <p>Yes: By the Attorney General <input type="checkbox"/></p> <p>Yes: By the Governor <input type="checkbox"/></p>
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(8) Briefly explain the regulation in clear and nontechnical language.

The Food Employee Certification Act (3 Pa.C.S. §§ 6501-6510) (Act) requires that – effective July 1, 2004 – most food establishments in the Commonwealth have at least one “supervisory employee” who has undergone food safety training and passed a written examination evidencing food safety knowledge. The regulation will revise the standards and procedures pursuant to which the Pennsylvania Department of Agriculture (Department) would approve certification training programs and certify supervisory employees, and addresses recent amendments of the Act.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The Food Employee Certification Act (3 Pa.C.S. §§ 6501-6510) is the statutory authority for the regulation.

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### **Regulatory Analysis Form**

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Section 4(g) of the Act (3 Pa.C.S.A. § 6504(g)) requires that the Department promulgate regulations describing food employee certification training programs by July 1, 2004.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The regulation is required under the Act (at 3 Pa.C.S. §§ 6504(g) and 6505). It also brings the current regulation into-step with changes to the Act wrought by two recent amendments: the act of December 20, 2000 (P.L. 934, No. 124) and the act of December 9, 2002 (P.L. 1495, No. 190). The overall effect of the regulation should be to help safeguard the health of persons who eat food originating from affected food establishments. The regulation should also serve to protect the health of employees working in such food establishments.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Nonregulation might result in continued cases of foodborne illness caused by lack of education in food safety and sanitation in the food industry.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

All food industry personnel will benefit from the dissemination of food safety knowledge through their ranks. This will help protect the health and safety of both food industry personnel and consumers. The regulation is likely to result in a decrease in poor sanitation and food handling practices, and a corresponding increase in the safety and quality of food products originating from affected food establishments.

## Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No persons are expected to be adversely affected by the regulation. To the extent individuals or food establishments might incur costs in obtaining required training, these costs are imposed by the Act, rather than the regulation.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

At least one supervisory employee in each affected food establishment shall be required to comply with the regulation. This requirement is imposed by the Act. It is estimated that there are approximately 100,000 such food establishments in the Commonwealth, and that this same number of supervisory employees will be required to undergo training and certification in accordance with the Act and the regulation. Of these persons, approximately 20,000 have already taken food safety training that will meet the requirements of the Act.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The Act, itself, was an industry-driven initiative. The proposed regulation has been reviewed and approved by the Food Employee Certification Advisory Board (Advisory Board).

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

There are approximately 100,000 food establishments in the Commonwealth. Most will be required to comply with the Act by July 1, 2004. The fee for certification of a supervisory employee is \$20 (See the Act, at 3 Pa.C.S. § 6509(b)). The minimum cost to the regulated community, therefore, will be approximately \$2,000,000. This does not include the costs of training the 100,000 supervisory employees. It is likely that - in many instances - the training will be offered for free or at cost by food industry organizations.

Food establishments should benefit from a reduction in legal claims resulting from foodborne illness as a result of the implementation of the regulation. The amount of these savings is not readily estimable, but is expected to exceed the costs of training and certification.

## Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

The regulation is not expected to result in appreciable costs or savings to local governments.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

It is *estimated* the Department of Agriculture will incur clerical and record keeping costs of approximately \$30,000 in the year 2004 – the first year certification under the Act becomes mandatory. Certification is valid for 5 years, so the costs the Department expects to incur in subsequent years will involve clerical and record keeping expenses for new certifications and renewals of previously-issued certifications as they approach expiration.

Until 2004, the Department expects voluntary compliance with the regulation by food establishments to proceed on an even pace. The estimated costs to the Department are set forth in Answer No. 20.

## Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

2003-2004    2004-05    2005-06    2006-07    2007-08    2008-9

* = not estimable	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated</b>	*	*	*	*	*	*
<b>Local Government</b>	0	0	0	0	0	0
<b>State Government</b>	0	0	0	0	0	0
<b>Total Savings</b>	*	*	*	*	*	*
<b>COSTS:</b>						
<b>Regulated</b>	*	2,000,000	*	*	*	*
<b>Local Government</b>	0	0	0	0	0	0
<b>State Government</b>	15,000	30,000	30,000	30,000	30,000	30,000
<b>Total Costs</b>	15,000+	730,000	30,000+	30,000+	30,000+	30,000+
<b>REVENUE LOSSES:</b>						
<b>Regulated</b>	0	0	0	0	0	0
<b>Local Government</b>	0	0	0	0	0	0
<b>State Government</b>	0	0	0	0	0	0
<b>Total Revenue Losses</b>	0	0	0	0	0	0

(20a) Explain how the cost estimates listed above were derived.

Although the regulated community is expected to experience some decrease in legal claims related to foodborne illness as a result of the regulation, these savings are not readily measurable.

Food establishments are not *required* to comply with the Act or the regulation until July 1, 2004. By that date industry will have expended approximately \$2,000,000 (100,000 food establishments, multiplied by the \$20-per-certificate fee for certification of a supervisory employee) on certification fees. It is expected that many food establishments will voluntarily come into compliance with the Act and the regulation well in advance of that date. The cost of putting supervisory employees through approved certification training programs is not readily measurable.

## Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

This is a new program. Expenditures in the current FY are attributable to entities seeking certification in advance of the mandatory July 1, 2004 compliance date.

Program	FY -3	FY -2	FY -1	Current FY
Food Employee Certification	0	0	0	\$15,000 (approx.)

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

Although there are no adverse effects expected as a result of promulgation of the regulation itself, the Act will require approximately 100,000 food establishments to incur the \$20-per-person fee for certification of supervisory employees, as well as any costs associated with obtaining required training for these individuals. The regulation will benefit public health and help bolster confidence in the Commonwealth's food production industry.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal

No nonregulatory alternatives were considered, since regulations are required under the Act (at 3 Pa.C.S. §§ 6503(d) and 6505).

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No alternative regulatory schemes were considered.

## Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No. The Federal government does not have standards requiring the training or certification of food industry employees.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

Most states do not have a food employee certification program. Approximately 8 States, plus the District of Columbia, have food employee certification regulations. The Act provides (at 3 Pa.C.S. § 6505) for reciprocity with other States that have similar programs and training standards.

The regulation does not place the Commonwealth of Pennsylvania or its food industry at a competitive disadvantage with other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No. The Department will share comments it receives with the Advisory Board, and will work with that body in drafting the final-form regulation. The Department will obtain the Advisory Board's approval of the final-form regulation before submitting it for promulgation.

## Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Food establishments affected by the Act will have to retain certain records with respect to their certified supervisory employees. The Department will make standardized forms available to simplify these requirements to the extent practicable.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

None.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

Although the Department intends the regulation to take effect at the earliest date consistent with the requirements of the Regulatory Review Act, the Food Employee Certification Act requires that compliance with that statute or this regulation remain *optional* until July 1, 2004.

(31) Provide the schedule for continual review of the regulation.

The efficacy of this regulation will be evaluated on an ongoing basis, and as part of the Bureau of Food Safety and Laboratory Services' annual review of the regulations it administers.



**FACE SHEET  
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REVIEW COMMISSION

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Copy below is hereby approved as to form and legality.  
Attorney General

By: *Ann M. Elliott*  
(Deputy Attorney General)

**JAN 30 2004**

DATE OF APPROVAL

Check if applicable  
Copy not approved. Objections attached.

Copy below is hereby certified to be true and  
correct copy of a document issued, prescribed or  
promulgated by:

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 2-145

DATE OF ADOPTION 11/4/03

BY *Dennis C Wolff*  
DENNIS C WOLFF

TITLE  
SECRETARY  
Pennsylvania Department of Agriculture

Copy below is hereby approved as to form and legality  
Executive or Independent Agencies

BY *D. Wolff*  
*Tanya C. ...*  
DATE OF APPROVAL  
Asst.  
(Deputy General Counsel)  
~~(Chief Counsel - Independent Agency)~~  
(Strike inapplicable title)

Check if applicable. No Attorney General Approval  
or objection within 30 days after submission.

**Notice of Proposed Rulemaking**

**Title 7 - AGRICULTURE  
7 Pa. Code Chapter 76**

**Food Employee Certification**

**PROPOSED RULEMAKING**  
**DEPARTMENT OF AGRICULTURE**  
**FOOD EMPLOYEE CERTIFICATION**  
**[7 PA. CODE CH. 76]**

The Department of Agriculture (Department) proposes to amend the regulations at 7 Pa. Code Chapter 76 (relating to food employee certification)(Chapter 76) to read as set forth in Annex A.

***Statutory Authority***

The Food Employee Certification Act (3 Pa.C.S. §§ 6501-6510) (Act) provides the legal authority for this regulation. The provisions at 3 Pa.C.S. §§ 6503(d) and 6505 (relating to certification advisory board and programs; and rules and regulations), respectively: (1) require the Department to adopt food safety protection and training standards for the certification of supervisory employees who are responsible for the storage, preparation, display or serving of food to the public in establishments regulated by the Department or local health organizations; and (2) delegate to the Department the power to adopt regulations necessary for the proper enforcement and administration of that statute. The Act also requires that regulations be promulgated with the approval of the Food Employee Certification Advisory Board (Advisory Board). The Advisory Board approved this proposed regulation at its October 6, 2003 meeting.

***Purpose***

Chapter 76 took effect in October of 1999. The Act was subsequently amended twice – first by the act of December 20, 2000 (P.L. 934, No. 124), and then by the act of December 9, 2002 (P.L. 1495, No. 190). The purpose of the proposed regulation is to implement the statutory changes wrought by these amendments.

***Background***

The Act was the product of an industry-driven initiative to establish minimum food safety training requirements to be met by at least one supervisory employee in most food establishments in the Commonwealth.

Act 124 of 2000 revised the Act by: (1) deleting the requirement that these food safety training requirements be "industry-specific;" (2) extending the date by which food establishments must come into compliance with the Act by two years (from July 1, 2001 to July 1, 2003); (3) exempting certain food establishments operated by charitable and not-for-profit organizations from the requirements of the Act; and (4) requiring the Department to develop a food safety training program for those organizations that - although exempt from the requirements of the Act - elect to voluntarily seek certification under that statute.

Act 190 of 2002 revised the Act by: (1) extending the date by which food establishments must come into compliance with the Act by *another* year (from July 1, 2003 to July 1, 2004); (2) expanding the membership of the Advisory Board; and (3) requiring the Department to promulgate regulations

(approved by the Advisory Board) by July 1, 2004, establishing training programs consistent with the revised Act.

The proposed regulation is required to be promulgated as a final-form regulation by July 1, 2004. The Act requires that the Department consider a number of factors in writing the regulation, among them: (1) the existence and operation of Department-approved employee training programs on safe food handling; (2) the fact that some food establishments engage in only the *limited* handling of potentially hazardous food; (3) the number of hours necessary to train food establishment employees to handle food safely, with consideration of the "scope" of the food establishment's business; and (4) the demonstration necessary for the Department to be satisfied that a particular supervisory employee is proficient in the safe handling of food. The Department has given consideration to all of these factors in the drafting of the proposed regulation.

### ***Need for the Proposed Rulemaking***

This proposed rulemaking is needed in order to implement the changes to the Act wrought by Act 124 of 2000 and Act 190 of 2002.

### ***Overview of the Major Provisions of the Proposed Rulemaking***

Proposed § 76.1 (relating to compliance) would specify that the date by which compliance with the Act becomes mandatory is July 1, 2004 (rather than the rescinded July 1, 2001 mandatory compliance date). It would also restate the new statutory exemption for certain food establishments operated by charitable and not-for-profit organizations.

Proposed § 76.2 (relating to definitions) would be shortened considerably. Many of the terms defined in that section related to industry-specific categories of food safety training programs. These industry-specific programs are no longer required, and the related defined terms are no longer needed.

Proposed § 76.3 (relating to requirements for food establishments) would rescind the classification of food establishments into "industry-specific" categories. The section references a "general" certification category that will suffice for all certified supervisory employees. It would also afford a person the option to undergo less-extensive training if the person seeks to be a certified supervisory employee at a food establishment that: (1) engages in limited, specific food processing activities; or (2) engages in only the limited handling of potentially hazardous foods; or (3) is a non-profit entity that is exempt from having to comply with the Act but that seeks certification, nonetheless.

Proposed §§ 76.4 (relating to eligibility to apply for certification) and 76.10(a) (relating to applying for certification) would be revised by adding language affording a prospective applicant for certification *five years* from the successful completion of an approved certification training program and certification examination within which to apply for certification. Beyond that period it would be necessary for the prospective applicant to complete another approved certification training program in order to be eligible to apply. This would require prospective applicants to have relatively recent food safety training in order to be eligible to apply for certification. The current regulation places no time restrictions on this application period.

Proposed § 76.5 (relating to certification training programs: obtaining the Department's approval) would describe four general categories of certification training programs. Training that fits within the "general" category would be acceptable for a certified supervisory employee at any type of

food establishment. There would be three other categories, though, that would address special circumstances where less expansive training would suffice to meet the requirements of the Act.

Proposed § 76.7 (relating to certification training programs: food safety protection and training standards) would be revised by deleting detailed, industry-specific training requirements and replacing them with designations of the general subject matter to be addressed in each of the four general categories of certification training.

Proposed § 76.8 (relating to certification examination requirements) would set forth the basic requirements for passing food certification training in each of the four general categories of certification training.

The proposed regulation would also delete current § 76.18 (relating to advisory board), since it simply restated the provisions of the Act describing the composition and function of the Advisory Board.

### ***Affected Individuals and Organizations***

The proposed regulation implements changes prescribed by Act 124 of 2000 and Act 190 of 2002. Any impact upon individuals or organizations is the result of Act 124 of 2000 or Act 190 of 2002, and not the proposed regulation. Act 124 of 2000 exempts certain food establishments operated by charitable and not-for-profit organizations from the requirements of the Act. This will result in saving these organizations the cost of obtaining previously-required training and certification for a supervisory employee. For those exempt organizations that elect to voluntarily comply with the Act, the Department will develop and offer a training course for employees of these organizations. Act 124 of 2000 also leaves open the option for the General Assembly to appropriate funds to help such organizations defray the cost of the training offered by the Department.

### ***Fiscal Impact***

***Commonwealth:*** The proposed rulemaking would impose some costs upon the Commonwealth. The Department estimates its costs in administering the certification requirements imposed by the Act at \$15,000-per-year until July 1, 2004 (the date beyond which compliance with the certification requirements becomes mandatory), and \$30,000-per-year starting July 1, 2004.

***Political Subdivisions:*** The proposed rulemaking would impose no costs and have no fiscal impact upon political subdivisions.

***Private Sector:*** The proposed rulemaking would impose no costs and have no fiscal impact upon the private sector. The changes to the Act accomplished by Act 124 of 2000 and Act 190 of 2002 relieve food establishments operated by certain exempt charitable and not-for-profit organizations from the cost of training and certification a supervisory employee. These cost savings cannot be readily quantified, and are the product of the referenced legislation, rather than the proposed rulemaking. The overall cost of compliance with the certification requirements imposed by the Act is estimated at \$2,000,000 (approximately 100,000 affected food establishments, multiplied by the minimum \$20 fee prescribed by the Act). This figure excludes the costs of obtaining the training required as a prerequisite to certification.

**General Public:** The proposed rulemaking would impose no costs and have no fiscal impact upon the general public. Although food establishments may incur some costs in obtaining certification for a supervisory employee, these costs are expected to be modest. Additionally, since the Act has been amended to exempt more types of food establishments from its requirements, these exempt food establishments shall no longer be required to bear the costs of compliance.

### **Paperwork Requirements**

The proposed regulation is not expected to have an appreciable impact upon the Department's paperwork volume.

### **Effective Date**

The proposed rulemaking will be effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

### **Sunset Date**

There is no sunset date for the proposed rulemaking. The Department will review the efficacy of this regulation on an ongoing basis.

### **Public Comment Period/Contact Person**

Interested persons are invited to submit written comments regarding the proposed regulations within 30 days following publication in the *Pennsylvania Bulletin*. Comments are to be submitted to the Department of Agriculture, Bureau of Food Safety and Laboratory Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Martha M. Melton.

### **Regulatory Review**

The Department submitted a copy of the proposed regulation to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs on February 4, 2004, in accordance with section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)). The Department also provided IRRC and the Committees a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

In accordance with section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)), if IRRC has comments, recommendations or objections regarding any portion of the proposed regulation, it must so notify the Department within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act sets forth detailed procedures for review of these objections by the Department, the General Assembly and the Governor prior to the final publication of the proposed regulation.

DENNIS C WOLFF,  
*Secretary*

**Annex A**

**TITLE 7. AGRICULTURE**

**PART III. BUREAU OF FOOD SAFETY AND LABORATORY**

**SERVICES**

**CHAPTER 76. FOOD [EMPLOYE] EMPLOYEE CERTIFICATION**

Sec.

76.1. Compliance.

76.2. Definitions.

76.3. Requirements for food establishments.

76.4. Eligibility to apply for certification.

76.5. Certification training programs: Obtaining the Department's approval.

76.6. Certification training programs: Audit by Department.

76.7. Certification training programs: Food safety protection and training standards.

76.8. [Format of a certification examination] Certification examination requirements.

76.9. Reporting results of a certification examination.

76.10. Applying for certification.

76.11. Certificate.

76.12. Renewal of certification.

76.13. Obtaining Departmental approval of a continuing education course.

- 76.14. Reciprocity with other states.
- 76.15. Suspension or revocation of certification.
- 76.16. Contacting the Department.
- 76.17. Preemption and local governmental authority.
- 76.18. [Advisory Board.] Reserved.
- 76.19. Civil penalties.

### **§ 76.1. Compliance.**

(a) *Mandatory compliance.* On or after [July 1, 2001] July 1, 2004, a food establishment shall comply with the act and this chapter, unless it is exempt under subsection (d).

(b) *Interim compliance optional.* A food establishment need not comply with the act or this chapter until [July 1, 2001] July 1, 2004, but is encouraged to do so in advance of that date.

(c) *Benefit of interim compliance.* If a food establishment that voluntarily complies with the act and this chapter is the subject of an action to recover fines or penalties for a violation of the Food Act, and the violation occurs prior to [July 1, 2000] July 1, 2004, the voluntary compliance of the food establishment will be considered a mitigating factor in determining whether the food establishment shall be assessed more than the minimum fine or civil penalty required by law.

(d) *Exemption for certain types of food establishments.* The following food establishments are exempt from the requirements of the act and this chapter:

(1) A food establishment where only commercially prepackaged food is handled and sold.

(2) A food establishment that does not handle potentially hazardous food.

(3) A food establishment that is a food manufacturing facility engaged in the manufacture of prepackaged foods and which does not manufacture potentially hazardous food.

(4) A food establishment managed by an organization which is a tax-exempt organization under § 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)).

(5) A food establishment managed on a not-for-profit basis by an organization which is a volunteer fire company or an ambulance, religious, charitable, fraternal, veterans, civic, agricultural fair or agricultural association or any separately chartered auxiliary of any of the above associations.

(6) A food establishment managed by an organization which is established to promote and encourage participation and support for extracurricular recreational activities for youth of primary and secondary public, private and parochial school systems on a not-for-profit basis.



## § 76.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings unless otherwise defined in [the most current FDA Food Code] Chapter 46 (relating to food code):

*Act--*3 Pa.C.S. Chapter 65 (relating to the Food [Employee] Employee Certification Act).

[*Adulterated food--*Food that is considered adulterated under section 8 of the Food Act (31 P. S. § 20.8).]

[*Adulteration--*An action that creates adulterated food.]

*Advisory Board or Board--*The Food [Employee] Employee Certification Advisory Board.

[*Air dry--*The exposure of wet articles to air for the purpose of drying through evaporation.]

[*Air gap--*The vertical distance between the point where water enters a plumbing fixture--such as a sink--and the level at which the plumbing fixture would overflow.]

[*Asymptomatic--*Presenting no symptoms of disease.]

[*Backflow device--*A device that prevents liquid from flowing back or moving toward the source from which the liquid was introduced.]

*Bacteria--*Single cell microorganisms.

[*Bacteria growth--*Multiplication of bacteria through cell division.]

[*Bakery*--A food establishment in which baked products (breads, rolls, cakes, doughnuts, biscuits, pies, macaroni, spaghetti, noodles, and the like) are manufactured for human consumption.]

[*Bleach*--Sodium hypochlorite, a chemical sanitizer.]

*CFP or Conference for Food Protection*-- An independent, national voluntary nonprofit organization to promote food safety and consumer protection. Objectives of the organization include identifying and addressing food safety problems and promoting uniformity of regulations in food protection. Participants include Federal, State, and local regulatory agencies, several universities, test providers, certifying organizations, consumer groups, food service and retail store trade associations and operators.

[*CIP or cleaned in place*--

(i) 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.

(ii) The term does not include the cleaning of equipment such as band saws, slicers or mixers that are subjected to in-place cleaning without the use of a CIP system.]

*Certificate*--A document issued by the Department to a particular person to evidence that the named individual has demonstrated adequate food protection knowledge and is certified for purposes of section 6503(d) of the act (relating to certification advisory

board and programs) [with respect to an industry-specific category of food establishment].

*Certificateholder*--A person holding a valid certificate.

*Certified supervisory [employee] employee*--A supervisory [employee] employee holding a valid certificate.

*Certification category*—A designation of one of the four types of Department-approved certification training programs, indicating the depth of food safety training received by a person who successfully completes such a program. The four certification categories are as follows:

(i) General certification category.

(ii) Process-specific certification category.

(iii) Modified certification category.

(iv) Non-profit certification category.

[*Cleanability*--The property of being cleanable or accessible for cleaning.]

*Cleaning*--The process by which dirt or other foreign matter is removed from an article.

[*Communicable disease*--An infectious disease transmissible to persons or animals by direct or indirect means.]

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

[*Contamination*--Soiling, staining, corrupting or infecting by contact or association.]

[*Critical control point*--A point or procedure in a specific food system where loss of control may result in an unacceptable health risk.]

[*Critical item*--An action which violates a food sanitation standard and which may contribute to food contamination, illness or environmental health hazard.]

[*Cross-contamination*--The transfer of bacteria or other microorganisms from one source to another.]

*Department*--The Department of Agriculture of the Commonwealth.

[*Detergent*--A cleaning agent.]

[*Easily cleanable*--

(i) A characteristic of a surface that:

(A) Allows effective removal of soil by normal cleaning methods.

(B) Is dependent upon the material, design, construction and installation of the surface.

(C) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose and use.

(ii) The term includes a tiered application of the criteria that qualify the surface as easily cleanable as specified in subparagraph (i) to different situations in which varying degrees of cleanability are required, such as one of the following:

(A) The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining.

(B) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.]

[*Escherichia coli* or *E. coli*--Gram-negative rod-shaped bacteria normally present in the intestines of man and animals, which may be pathogenic and are indicative of fecal contamination when found in food or water.]

[*FDA Food Code*--A publication of recommendations by the United States Food and Drug Administration (FDA) for safeguarding public health and ensuring safe food.]

*Food*--

(i) A raw, cooked or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(ii) The term does not include medicines and drugs.

*Food Act*--The Food Act (31 P. S. §§ 20.1--20.18).

*Food Code*—7 Pa. Code Chapter 46.

[*Food contact surface*--One of the following:

(i) A surface of equipment or a utensil with which food normally comes into contact.

(ii) A surface of equipment or a utensil from which food may drain, drip or splash into a food or onto a surface normally in contact with food.]

*Food establishment--*

(i) A room, building, place or portion thereof or vehicle maintained, used or operated for the purpose of selling to the public, commercially storing, packaging, making, cooking, mixing, processing, bottling, baking, canning, freezing, packing or otherwise preparing, transporting or handling food.

(ii) The term includes retail food stores and public eating and drinking licensees, except those portions of establishments operating exclusively under milk or milk products permits and those portions of establishments operating exclusively under United States Department of Agriculture inspection.

(iii) The term does not include dining cars operated by a railroad company in interstate commerce or a bed and breakfast, homestead or inn as defined in the Public Eating and Drinking Place Law.

[*Food processor--*A food establishment that manufactures foods using methods such as cutting, grinding, chipping, peeling, baking, dicing, shredding, extrusion, drying, whipping, blanching, heating, extraction, smoking, freezing, fermenting, mixing or dehydrating, or that packages, cans, jars or otherwise places food in containers.]

[*Food service--*A food establishment that prepares food for the consumer, or serves foods to the consumer, or both. This category of food establishment includes restaurants, hotels, auction house stands, hot dog vendors, flea market stands, nursing home kitchens, school cafeterias, college/university cafeterias, roadside stands, hand-dipped ice cream

and yogurt sellers, college snack bars, stands at fairs and carnivals, caterers, snow-cone stands, camp kitchens, church kitchens, private clubs and associations, and food vendors at stadiums, racetracks, parks and public charity events.]

[*Foodborne disease outbreak*--The occurrence of two or more cases of a similar illness resulting from ingestion of a common food.]

*Frozen dessert manufacturer*--A food establishment that is located in this Commonwealth and that is required to be licensed under authority of the Frozen Dessert Law (31 P. S. §§ 417-1--417.14).

[*Fungi*--A division of lower plant life which includes yeasts, molds, mildew and mushrooms.]

[*HACCP--Hazard Analysis Critical Control Point*--A system that identifies and monitors specific foodborne hazards (biological, chemical or physical properties) that can adversely affect the safety of the food product.]

[*Handwash sink*--A sink specifically designated for hand washing.]

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

[*Hepatitis A infection*--A viral foodborne illness that can be transmitted from an infected person, through food, to another person.]

[*Hermetically sealed container*--A container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.]

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

*[Infection--A disease or condition due to the growth of microorganisms in a host.]*

*[Intoxication--Illness caused by ingestion of food containing a bacterial toxin.]*

*[Lag phase--The time period needed for bacteria to acclimate to a new environment, during which bacterial growth is limited or nonexistent.]*

*Limited handling of potentially hazardous foods--Food handling activities that are limited to the placement of a potentially hazardous food on or into a warming, heating or cooking unit. The term includes such activities as placing a hot dog on a roller, placing a pizza in a cooking/warming unit or warming a pre-made sandwich in a microwave oven.*

*[Log phase--The time period which follows the lag phase and during which bacteria undergo accelerated growth.]*

*[MSDS or Material Safety Data Sheet--A data sheet supplied by manufacturers of hazardous chemicals which gives proper labeling of the product, hazard warnings and the name of the manufacturer.]*

*[Nonfood contact surface--Exposed surfaces which do not, under normal use, come into contact with food.]*



[*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.]

[*ppm*--Parts per million, or milligrams per liter (mg/l).]

[*Parasite*--A living organism which derives its nourishment from another living organism.]

[*Pathogenic organism*--A disease-producing organism.]

*Person*--A corporation, partnership, limited liability company, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or natural person.

[*Plan review*--The process by which plans and specifications for the construction, remodeling or alteration of a food establishment are reviewed for conformance to specified standards.]

[*Poisonous or deleterious substance*--A substance that would be considered poisonous or deleterious under section 11 of the Food Act (31 P. S. § 20.11).]

[*Potable water*--Safe drinking water as defined in the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1--721.17).]

*Potentially hazardous food*--

- (i) A food which consists in whole or in part of milk or milk products, eggs, meats, poultry, fish, shellfish, edible crustaceans or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

(ii) The term does not include foods that have a pH level of 4.6 or below or a water activity of 0.85 or less under standard conditions or food products in hermetically sealed containers processed to maintain commercial sterility.

[*Product protection*--Safety measures used to prevent food contamination.]

*Public eating and drinking place*--

(i) A place within this Commonwealth where food or drink is served to or provided for the public, with or without charge, or a place which otherwise conforms to the definition in section 1 of the Public Eating and Drinking Place Law (35 P. S. § 655.1).

(ii) The term does not include dining cars operated by a railroad company in interstate commerce or a bed and breakfast homestead or inn.

*Public Eating and Drinking Place Law*--The act of May 23, 1945 (P. L. 926, No. 369) (35 P. S. §§ 655.1--655.13).

[*Quaternary ammonium compound*--A chemical sanitizer which is a derivative of ammonium hydroxide or its salts.]

[*Ready-to-eat food*--

(i) 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.

(ii) The term includes:

(A) Unpackaged potentially hazardous food that is cooked to the temperature and time required for the specific food.

(B) Raw, washed, cut fruits and vegetables.

(C) Whole, raw fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet.

(D) Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks or shells are removed.]

*[Reduced oxygen packaging--*

(i) 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.

(ii) The term includes methods that may be referred to as altered atmosphere, modified atmosphere, controlled atmosphere, low oxygen and vacuum packaging including sous vide.]

*[Retail food store--*A food establishment or a section of a food establishment where food and food products are offered to the consumer and intended for off-premises consumption.]

*[Salmonella enteritidis--*Pathogenic Salmonella bacteria found in food which, if ingested in sufficient numbers, may cause salmonellosis in humans.]

*[Salmonellosis--*Foodborne disease caused by pathogenic Salmonella strains.]

[*Sanitization*] Sanitizing--The application of cumulative heat or chemicals on cleaned food contact surfaces that, when evaluated for efficacy, yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

*Secretary*--The Secretary of the Department.

[*Slacking*--The process of moderating the temperature of food such as allowing a food to gradually increase from a temperature of -23°C (-10°F) to -4°C (25°F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as spinach.]

[*Staphylococcus*--Spherical bacteria which occur in grape-like clusters, certain types of which cause food poisoning by releasing toxins.]

*Supervisory* [employee] employee--An owner or a person employed by or designated by the business owner to fulfill the requirements of the act, and who has supervisory authority and is responsible for the storage, preparation, display or serving of foods to the public in establishments regulated by the Department or local health organizations.

[*Temperature danger zone*--The temperature range which is favorable for the growth of many types of pathogenic organisms in potentially hazardous foods.]

[*Test strips*--Indicator papers which, when immersed, assume a color that can be compared to a known color standard to measure sanitizer strength.]

*Time and temperature*--Important factors in controlling the growth of pathogenic organisms in potentially hazardous foods.

[*Toxin*--A poisonous substance produced by pathogenic organisms.]

[*Transmissibility*--The ability of a disease to be conveyed person-to-person, organism-to-person, food-to-person, person-to-food.]

[*Virus*--An intracellular, parasitic microorganism that is smaller than a bacterium.]

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

[*Water activity*--A measure of the free moisture in a food. The term 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 AW (aw).]

### **§ 76.3. Requirements for food establishments.**

(a) [*Industry-specific categories of food establishments.* A food establishment that is not exempt from compliance under § 76.1(d) (relating to compliance) shall be classified under one or more of the following industry-specific categories:

- (1) A food processor that manufactures potentially hazardous foods.
- (2) A food service that prepares potentially hazardous foods for the consumer, or serves potentially hazardous foods to the consumer, or both.
- (3) A bakery that processes potentially hazardous foods.
- (4) A retail food store that offers potentially hazardous food that is not exempt under § 76.1(d) to the consumer.
- (5) A frozen dessert manufacturer.]

General requirement. A food establishment that is not exempt from compliance under subsection 76.1(d) (relating to compliance) shall comply with the act and this chapter.

(b) Certified supervisory [employee] employee. A food establishment shall employ or designate at least one certified supervisory [employee who is certified with respect to the industry-specific category of the food establishment. If a food establishment falls within more than one of the industry-specific categories in subsection (a), the food establishment shall employ or designate one or more certified supervisory employees so that, in the aggregate, there is a certified supervisory employee who is certified with respect to each of the applicable industry-specific categories of the food establishment] employee who holds a valid certificate issued by the Department under authority of the act and this chapter. The certificate shall be in the general certification category unless one of the following is accurate:

(1) The food establishment engages only in one or more specific, identified food processing activities (such as making cider or preparing frozen desserts), in which case a certificate in the process-specific certification category, pertinent to the processing conducted at the food establishment, shall suffice.

(2) The food establishment's personnel engage only in the limited handling of potentially hazardous foods (such as persons who handle food products that do not require any preparation by the food establishment other than to place the food on or in a cooking or warming unit), in which case a certificate in the modified certification category, pertinent to the food handling conducted at the food establishment, shall suffice.

(3) The food establishment is a non-profit entity that, although otherwise exempt from compliance under subsection 76.1(d) (relating to compliance), voluntarily seeks certification under paragraph 4(c)(2) of the Act (3 Pa.C.S.A. § 6504(c)(2)), in which case a certificate in the non-profit certification category shall suffice.

(c) *New food establishment.* A new food establishment shall comply with subsection (b) within 90 days of the date it commences operation.

(d) [*Employee*] Employee turnover. If a food establishment loses its only certified supervisory [*employee*] employee through [*employee*] employee turnover or for any other reason, the food establishment shall comply with subsection (b) within 3 months of the date it lost its previous certified supervisory [*employee*] employee.

(e) *Certification records.* A food establishment shall maintain, at the food establishment site, a list of certified supervisory [*employees*] employees under its employment during the last 4 months including: name, certificate number, certification category, issuance date, expiration date, date employment began and date employment terminated.

(f) *Availability of records.* Upon request by the Department, a food establishment shall make the records described in subsection (e) available for inspection by the Department during normal business hours of the food establishment.

(g) *Posting of certificate.* A food establishment shall post the original certificate of its certified supervisory [*employee*] employee in public view at its business location.

(h) *Return of certificate.* A certificate is the property of the Department and is issued to the individual person identified on its face. A food establishment shall promptly deliver the certificate to a certified supervisory [*employee*] employee who leaves the employ of

the food establishment or who otherwise ceases to be a certified supervisory [employee] employee with respect to that establishment.

#### **§ 76.4. Eligibility to apply for certification.**

(a) Training program required. A person shall successfully complete an approved certification training program [and obtain a score of 70% or higher on an approved certification examination], including a certification examination, in order to be eligible to apply to the Department for certification.

(b) Timeliness of training. A person shall not be eligible to apply to the Department for certification unless the certification examination was administered within 5 years preceding the date the application is delivered to the Department.

(c) Exception to examination requirement. Subsection (a) notwithstanding, a certification examination shall not be required where a person is applying for certification in the non-profit certification category.

#### **§ 76.5. Certification training programs: Obtaining the Department's approval.**

(a) Approval required. A person shall obtain the Department's approval of a training program before the certification training program will be considered an approved certification training program for purposes of the act and this chapter. Substantive revisions or changes to a previously-approved certification training program shall also be



approved by the Department. Although nonsubstantive revisions to a previously-approved certification training program do not require approval of the Department, notice of these nonsubstantive revisions shall be communicated in writing to the Department, at the address in § 76.16 (relating to contacting the Department), before being implemented. Approval under this section authorizes a person to develop and approve certification examinations, conduct certification examinations and certify the results of certification examinations to the Department in accordance with this chapter.

*(b) General requirements for approval.* The Department will approve a certification training program if it [addresses at least one industry-specific category of food establishment described in § 76.3(a) (relating to requirements for food establishments),] meets the food safety protection and training standards described in § 76.7 (relating to certification training programs: food safety protection and training standards), fits within one of the certification categories described in subsection (b.1) and has been recommended for approval by the Advisory Board. [A single certification training program may be approved with respect to more than one industry-specific category of food establishment.]

*(b.1) Certification categories.* The Department may approve a certification training program in one of four certification categories. These categories, and the requisites for inclusion of a certification training program within each, are as follows:

*(1) General certification category.* The Department will approve a certification training program in the general certification category if *either* of the following are accurate:

(i) The training program addresses the topics set forth in subsection 76.7(a) (relating to certification training programs: food safety protection and training standards).

(ii) The training program is a Federally-mandated HACCP training program for juice, seafood, meat or poultry.

(2) *Process-specific certification category.* The Department will approve a certification training program in the process-specific certification category if both of the following are accurate:

(i) The subject matter of the training program relates to one or more specific, identified food processing activities (such as making cider or preparing frozen desserts).

(ii) The training program addresses the topics set forth in subsection 76.7(a) in a manner specifically directed to the food processing activities that are the identified subject matter of the training program.

(3) *Modified certification category.* The Department will approve a certification training program in the modified certification category if both of the following are accurate:

(i) The subject matter of the training program is addressed to persons who handle potentially hazardous food on only a limited basis (such as persons who handle food products that do not require any preparation by the food establishment other than to place the food on or in a cooking or warming unit).

(ii) The training program addresses the topics set forth in subsection 76.7(a) in a manner specifically directed toward persons who handle potentially hazardous food on only a limited basis, and in a less-comprehensive manner than a certification training program in the general certification category.

(4) *Non-profit certification category.* The Department will approve a certification training program in the non-profit certification category if either of the following are accurate:

(i) The training program is developed and administered by the Department under authority of section 4(g)(2) of the act (3 Pa.C.S.A. § 6504(g)(2)), and meets the course content requirements in subsection 76.7(b) (relating to certification training programs: food safety protection and training standards).

(ii) The training program is developed and administered by an entity other than the Department, and meets the requirements referenced in subparagraph (i).

*(c) Obtaining an application form.* The Department will provide an application form for certification training program approval, or an application form for approval of revisions or changes to a previously-approved certification training program, upon request. Requests for these forms shall be directed to the Department at the address in § 76.16.

*(d) Contents: application for certification training program approval.* The application form for certification training program approval shall require the following information:

(1) The applicant's name, address and telephone number.

(2) A course syllabus demonstrating that the program would meet the [minimum hour and] course content requirements in § 76.7 (relating to certification training programs: food safety protection and training standards).

(3) [The industry-specific category or categories of food establishment, as described in § 76.3(a) (relating to requirements for food establishments), to be addressed by the certification training program] A designation of the certification category (whether general, process-specific, modified or non-profit), as described in paragraphs (b.1)(1)-(4), with respect to which approval of the training program is sought.

(4) Either of the following:

(i) A copy of the examination to be administered at the conclusion of the certification training program, together with an answer key for that examination, if these documents are available.

(ii) The name of the CFP-accredited examination to be administered at the conclusion of the certification training program.

(5) A copy of all teacher materials for the certification training program, unless the certification training program is a home-study program.

(6) A copy of all materials to be distributed to persons taking the program.

(7) If the certification program is a home study program, the proposed site and date the approved certification examination is to be administered, if available.

(8) Other information the Department might reasonably require in evaluating the certification training program.

(e) *Contents: application for approval of changes or revisions to a previously-approved certification training program.* The application form for approval of changes or revisions to a previously-approved certification training program shall require the applicant's name, address and telephone number and only the information listed in subsection (d) that is relevant to the change or revision with respect to which approval is sought.

(f) *Deadline for filing the application.* An application for certification training program approval or for approval of changes or revisions to a previously-approved certification training program shall be delivered to the Department, at the address in § 76.16, at least 90 days in advance of the proposed date upon which the program is to be conducted.

(g) *Departmental and Advisory Board action on application.* The Department and the Advisory Board will consider application materials submitted to them under subsection (d)(4)--(6) confidential and the proprietary documents of the applicant, and will make no distribution of these materials. The Advisory Board will consider whether to recommend Departmental approval of a certification training program. If a simple majority of a quorum of the Advisory Board recommends Departmental approval of a certification training program, the Department will grant its approval, if the other criteria in subsection (b) are met. The Department will mail the applicant its written approval of the certification training program, its denial of approval or a request for additional clarification or documentation.

## **§ 76.6. Certification training programs: Audit by Department.**

The Department may attend and audit an approved certification training program to ascertain whether the program is conducted in accordance with the act and in conformity to the program syllabus. A person offering or conducting an approved certification training program shall allow the Department's auditors entry to the program and provide copies of course materials.

## **§ 76.7. Certification training programs: Food safety protection and training standards.**

(a) *[Minimum hours of instruction/overview of topics.* A certification training program shall consist of at least 15 hours of instruction relevant to the industry-specific category with respect to which certification is sought. As described in detail in subsections (b)--(h), a] Content in general. A certification training program in the general certification category, the process-specific certification category or the modified certification category shall contain instruction in the following topics [for the minimum hours indicated]:

- (1) Foodborne illness[: 2 hours] .
- (2) Time and temperature[: 2 hours] .
- (3) Relationship between personal hygiene and food safety[: 3 hours] .
- (4) Food safety tracking system[: 3 hours] .

(5) Cleaning and sanitizing[: 2 hours] .

(6) Facilities and equipment layout[: 2 hours] .

(7) Statutory and regulatory requirements[: 1 hour] .

(b) [*Topic: Foodborne illness.* At least 2 hours of the instruction in a certification training program shall pertain to the topic of foodborne illness relevant to the industry-specific category with respect to which certification is sought. This instruction shall address the following:

(1) Terms and definitions necessary to an understanding of foodborne illness. At a minimum, this shall include the following terms:

(i) Bacteria.

(ii) Communicable disease.

(iii) Confirmed disease outbreak.

(iv) Fungi.

(v) Potentially hazardous foods.

(vi) Infection.

(vii) Intoxication.

(viii) Parasite.

(ix) Pathogenic organism.

(x) Time and temperature.

(xi) Virus.

- (2) Microorganisms that commonly cause foodborne infection or intoxication.
- (3) The process by which microorganisms cause foodborne illness.
- (4) The definition, characteristics and recognition of potentially hazardous foods.
- (5) Factors that contribute to foodborne illness.
- (6) Prevention of food contamination from employes, equipment, premises, utensils and consumers.
- (7) Prevention of food contamination from chemicals.
- (8) Emerging pathogens.]

Content for courses in the non-profit certification category. A certification training program in the non-profit certification category shall contain instruction in the following topics:

- (1) Food safety, with a portion addressing food safety considerations in the context of fund-raising events.
- (2) Foodborne illness.
- (3) Food safety tracking system.

[(c) *Topic: Time and temperature.* At least 2 hours of the instruction in a certification training program shall pertain to the topic of time and temperature relevant to the industry-specific category with respect to which certification is sought. This instruction shall address the following:

- (1) Terms and definitions necessary to an understanding of time and temperature requirements. At a minimum, this shall include the following terms:



- (i) Bacteria growth.
- (ii) Contamination.
- (iii) Critical control point.
- (iv) Critical item.
- (v) Cross-contamination.
- (vi) Food contact surface.
- (vii) Hermetically sealed container.
- (viii) Lag phase.
- (ix) Log phase.
- (x) Ready-to-eat foods.
- (xi) Reduced oxygen packing.
- (xii) Slacking.
- (xiii) Temperature danger zones.
- (xiv) Water activity.

(2) Prime factors which control the growth, survival and toxin production rate of pathogenic microorganisms in food during receiving, storing, cooking, thawing, cooling, preparation, holding/displaying, serving, freezing, transporting, reheating and storing after production.

(3) The types, uses and calibration of food thermometers.

(4) Proper food temperatures during refrigeration, freezing, cooling, hot holding, cooking, reheating, thawing and preparation.]

[(d) *Topic: Relationship between personal hygiene and food safety.* At least 3 hours of the instruction in a certification training program shall pertain to the topic of the relationship between personal hygiene and food safety relevant to the industry-specific category with respect to which certification is sought. This instruction shall address the following:

(1) Terms and definitions necessary to an understanding of the relationship between personal hygiene and food safety. At a minimum, this shall include the following terms:

- (i) Asymptomatic.
- (ii) Escherichia coli.
- (iii) Hepatitis A infection.
- (iv) Highly susceptible group.
- (v) Pathogenic organism.
- (vi) Salmonella enteritidis.
- (vii) Staphylococcus.
- (viii) Transmissible.

(2) Prevention of food contamination by food establishment employees, including the following subjects:

- (i) Handwashing techniques and frequency.

(ii) Relationship of hand contact to foodborne illness.

(iii) Contamination by poor hygienic practices such as sneezing, coughing and scratching.

(iv) Clothing.

(v) Fingernails.

(vi) Eating, drinking or using tobacco.

(vii) Hair restraint.

(viii) Animals in the workplace.

(3) Employee health, including the following subjects:

(i) Infections or diseases which can be transmitted by open wound, sinus infection, virus or sore throat.

(ii) Identifying employees who may transmit infection or disease.

(iii) High risk groups.

(iv) Imposition and removal of employee exclusions and restrictions.

(v) Mandatory and voluntary reporting of foodborne illness.

(4) Preventive measures such as training, written cleaning and sanitation schedules and procedures, self-inspection, integrated pest management and preventative maintenance.]

[(e) *Topic: Food safety tracking system.* At least 3 hours of the instruction in a certification training program shall pertain to the topic of food safety tracking systems

relevant to the industry-specific category with respect to which certification is sought.

This instruction shall address the following:

(1) Terms and definitions necessary to an understanding of a food safety tracking system. At a minimum, this shall contain the following terms:

- (i) Adulteration.
- (ii) Contamination.
- (iii) Critical control point.
- (iv) Cross-contamination.
- (v) HACCP.
- (vi) Product protection.

(2) Receiving food, including the following subjects:

- (i) Approved sources.
- (ii) Condition of food.
- (iii) Thermometers and temperature checks.
- (iv) Rejection for adulteration, temperature violations, distressed merchandise or condition of carrier.

(3) Safe storage of food, including the following subjects:

- (i) Dry storage temperature and practices.
- (ii) Refrigeration and freezer holding temperatures and product protection.
- (iii) Shelf life.

(iv) Cross-contamination and adulteration.

(v) Product protection in retail service/display areas and storage areas.

(vi) Product labeling.

(vii) Labeling of poisonous or toxic materials.

(viii) Original containers.

(ix) Working containers.

(x) Food storage prohibitions, including locker rooms, toilet rooms, garbage rooms and under sewer lines.

(4) Preparation and processing of food, including the following subjects:

(i) Personal hygiene.

(ii) Practices regarding disposable gloves.

(iii) Contamination by chemical or physical additives.

(iv) Cross-contamination.

(v) Equipment/utensils.

(vi) Hazards to humans in using equipment.

(vii) Machine guards, slicer blades and protective light shields.

(viii) Corrective actions.

(ix) Potentially hazardous foods.

(x) HACCP.

(xi) Critical control point.]

**[(f) *Topic: Cleaning and sanitizing.* At least 2 hours of the instruction in a certification training program shall pertain to the topic of cleaning and sanitizing relevant to the industry-specific category with respect to which certification is sought. This instruction shall address the following:**

**(1) Terms and definitions necessary to an understanding of cleaning and sanitizing procedures. At a minimum, this shall contain the following terms:**

- (i) Adulteration.**
- (ii) Air dry.**
- (iii) Bleach.**
- (iv) CIP.**
- (v) Cleaning.**
- (vi) Contamination.**
- (vii) Cross-contamination.**
- (viii) Detergent.**
- (ix) Easily cleanable.**
- (x) Food contact surface.**
- (xi) Nonfood contact surface.**
- (xii) pH.**
- (xiii) ppm.**
- (xiv) Sanitization.**

(xv) Test strips.

(xvi) Warewashing.

(xvii) Quaternary ammonium compound.

(2) MSDS Fact Sheets.

(3) Proper use of hot water or chemicals in sanitizing.

(4) The difference between cleaning and sanitizing.

(5) Types of sanitizers, their usage and the use of test strips.

(6) Detergents.

(7) Procedures to wash-rinse-sanitize.

(8) The frequency with which food contact surfaces, utensils, equipment and nonfood contact surfaces should be sanitized.

(9) Equipment.

(10) Manual warewashing.

(11) Mechanical warewashing.

(12) The proper use of cleaning methods such as air drying, wiping cloths, CIP and water temperature.]

[(g) *Topic: Facilities and equipment layout.* At least 2 hours of a certification training program shall pertain to the topic of facilities and equipment layout relevant to the industry-specific category with respect to which certification is sought. This instruction shall address the following:

(1) Terms and definitions necessary to an understanding of the proper layout of equipment and facilities. At a minimum, this shall contain the following terms:

- (i) Air gap.
- (ii) Backflow device.
- (iii) Cleanability.
- (iv) Potable water.
- (v) Handwash sink
- (vi) Plan review.

(2) Proper equipment design and location.

(3) Construction of floors, walls and ceilings.

(4) Design of equipment such as refrigeration, hot holding, heating, ventilation, pest control, lighting and freezer equipment, and design of the buildings in which the equipment is located.

(5) Acceptable water sources, water quality and quantity and water distribution systems.

(6) Plumbing design, construction, location, materials and operation.

(7) Management of solid and liquid waste, recyclables, refuse and returnables.

(8) Review of plans for equipment and building layout and design.]

[(h) *Topic: Statutory and regulatory requirements.* At least 1 hour of a training program shall pertain to the topic of statutory and regulatory requirements relevant to the industry-



specific category with respect to which certification is sought. This instruction shall address the following:

(1) Terms and definitions necessary to an understanding of the requirements imposed by the act and this chapter. At a minimum, this shall contain the following:

- (i) The act.
- (ii) The certificate.
- (iii) The certified supervisory employe.

(2) Statutes and regulations relevant to the industry-specific category of food establishment that is the subject of the approved certification program.]

**§ 76.8. [Format of a certification examination] Certification examination requirements.**

[Although it is recommended that a certification examination consist of at least 100 questions, under no circumstances may a certification examination consist of fewer than 80 questions. The questions shall adequately test food protection knowledge with respect to an industry-specific category of food establishment described in § 76.3 (a) (relating to requirements for food establishments)].

A certification examination shall be administered at the conclusion of an approved certification training course, except for a training course in the “non-profit” certification category. The examination shall adequately test food protection knowledge with respect to the certification category of the approved certification training course.

(1) If the certification category of the approved certification training course is the “general” certification category described in subsection 76.5(b.1) (relating to certification training programs: obtaining the Department's approval), the examination shall consist of at least 80 questions (100 questions being the recommended minimum), and the minimum passing score shall be 75%. If the examination is accredited by CFP, or is an examination administered as a requirement for passing a Federally-mandated HACCP training program for juice, seafood, meat or poultry, the examination format, number of questions and passing score shall be as determined by the body that prepared the examination.

(2) If the certification category of the approved certification training course is the “process-specific” certification category described in subsection 76.5(b.1), the examination shall consist of at least 80 questions, and the minimum passing score shall be 75%. If the examination is accredited by CFP or is an examination administered as a requirement for passing a Federally-mandated HACCP training program for juice, seafood, meat or poultry, the examination format, number of questions and passing score shall be as determined by the body that prepared the examination.

(3) If the certification category of the approved certification training course is the “modified” certification category described in subsection 76.5(b.1), the examination shall consist of at least 40 questions, and the minimum passing score shall be 75%. If the examination is accredited by CFP or is an examination administered as a requirement for passing a Federally-mandated HACCP training program for juice, seafood, meat or poultry, the examination format, number of questions and passing score shall be as determined by the body that prepared the examination.

(4) If the certification category of the approved certification training course is the “non-profit” certification category, an examination shall not be required.

## **§ 76.9. Reporting results of a certification examination.**

(a) Reporting results to the program participant. A person who proctors a certification examination shall, within 30 calendar days of proctoring the examination, mail or deliver written confirmation of the following to any person who took the examination:

(1) [written confirmation of that] That person's examination score, expressed as the percentage of correct answers.

(2) [the] The date and location of the examination [and the industry-specific category of food establishment addressed in the examination. The examination score shall be expressed as the percentage of correct answers].

(3) The name of the course instructor.

(4) If the approved certification training program preceding the examination required a specific level of food-safety-related education or experience as a prerequisite to participating in the training program, confirmation that this requirement was met.

(b) Reporting results to the Department. Within [that same] the 30-day time period described in subsection (a), the proctor shall mail the same information to the Department at the address in § 76.16 (relating to contacting the Department), using either a form

provided by the Department upon request, or a copy of the written confirmation it provided the person who took the examination.

### **§ 76.10. Applying for certification.**

(a) *Application required.* A person who has [attained a score of 70% or higher] completed an approved certification training course and attained a score equal to or higher than the minimum passing score required under § 76.8 (relating to certification examination requirements) on a certification examination administered within 5 years preceding the date the application is delivered to the Department may apply to the Department for certification. Certification is granted through issuance of the certificate described in § 76.11 (relating to certificate).

(b) *Form of application.* A person seeking certification under the act, or any other person, may obtain an application form from the Department at the address in § 76.16 (relating to contacting the Department). The applicant shall complete the form and return it to that same address. The application form requires the following information:

- (1) The name and mailing address of the person seeking certification.
- (2) The location and dates of any approved certification program completed by the person seeking certification.
- (3) The location and date of the certification examination.
- (4) [The industry-specific food establishment category (as described in § 76.3(a) (relating to requirements for food establishments)) with respect to which certification

is sought.] The certification category of the approved certification training program (as described in § 76.5 (relating to certification training programs: obtaining the Department's approval)) - whether general, process-specific, modified or non-profit.

(5) Other information the Department might reasonably require in determining whether to issue the applicant a certificate.

(c) *Application fee.* A person applying for certification under this section shall pay an application fee of \$20, by check or money order made payable to the "Commonwealth of Pennsylvania." This payment shall accompany the application.

(d) *Department action on application.* The Department will mark or stamp the date of receipt upon each application it receives and will, within 30 days of receiving an application and the application fee, mail the applicant a certificate, a disapproval notice or a request for additional clarification or documentation.

## **§ 76.11. Certificate.**

(a) *Contents of certificate.* A certificate will bear the following information:

- (1) The name of the person to whom it is issued.
- (2) [The industry-specific category of food establishment, as described in § 76.3(a) (relating to requirements for food establishments), with respect to which the person is certified.] The certification category of the approved certification program (as described in § 76.5 (relating to certification training programs: obtaining the Department's approval)) - whether general, process-specific, modified or non-profit.

(3) The date upon which the certificate was issued.

(4) The expiration date of the certificate, which shall be 5 years from the date of issuance.

(5) A unique identification number.

(6) A statement that the Department has determined the person identified on the certificate to possess adequate food protection knowledge [and to be a certificateholder with respect to the industry-specific category of food establishment designated on the certificate].

(7) Other information the Department might reasonably include on the certificate.

(b) *Ownership of certificate.* A certificate issued by the Department will remain the property of the Department. A certificateholder, certified supervisory [employee] employee, food establishment or other person having physical possession of a certificate shall, upon written notice from the Department, surrender and return the certificate to the Department.

(c) *Obligation to allow display.* A certified supervisory [employee] employee shall allow his employer to display the certificate issued by the Department, as required in § 76.3(g). Upon termination of a certified supervisory [employee's] employee's employment, the employer shall surrender the certificate to the certificateholder named on the certificate.

(d) *Replacement of certificate.* The Department will issue a certificateholder a replacement certificate and mail it to the certificateholder within 30 days of receiving a written request for a replacement certificate from the certificateholder and an explanation of the need for the replacement certificate.

**§ 76.12. Renewal of certification.**

(a) *General requirement.* A certificateholder shall [obtain at least 7.5 hours of approved continuing education in the area of food safety and sanitation] complete an approved certification training program every 5 years, commencing with the date the certificate is issued. [An approved continuing education course] The approved certification training program will not require a written examination as a condition of completion. If a certificateholder fails to obtain this approved continuing education and deliver a complete certification renewal application to the Department prior to the expiration date of the certificate, the certificate shall expire and the certificateholder shall successfully complete an approved certification program and a certification examination before certification will be granted. A person who seeks to change the certification category with respect to which that person is currently certified may not do so through the certification renewal process described in this section, but must follow the training and application procedure for initial certification.

(b) *Application for renewal.* A person seeking renewal of certification under this section, or any other person, may obtain an application form from the Department at the address in § 76.16 (relating to contacting the Department). The applicant shall complete the form and return it to that same address. The form requires the following information:

- (1) The name and mailing address of the applicant.

(2) Copies of course descriptions, course-completion certificates, college course transcripts and descriptions and similar documentation to evidence compliance with the requirement in subsection (a).

(3) [The industry-specific food establishment category or categories, as described in § 76.3(a) (relating to requirements for food establishments), with respect to which the applicant is certified]. The certification category appearing on the applicant's current certificate.

(4) The identification number and expiration date of the certificate.

(5) Other information the Department might reasonably require in considering renewal of the certificate.

(c) *Application fee.* A person applying for recertification under this section shall pay an application fee of \$20, by check or money order made payable to the "Commonwealth of Pennsylvania." This payment shall accompany the application.

(d) *Departmental action on application.* The Department will, within 30 days of receiving an application, mail the applicant a certificate (as described at § 76.11(a) (relating to certificate)), its denial of renewal of certification or a request for additional clarification or documentation.



**§ 76.13. Obtaining Departmental approval of a continuing education course.**

(a) *Approval required.* A person shall obtain the Department's approval of a continuing education course before the course will be considered an approved continuing education course for purposes of § 76.12 (relating to renewal of certification). Revisions or changes to a previously-approved continuing education course must also be approved by the Department.

(b) *General requirements for approval.* The Department will approve a continuing education course, and the certification category of that course, if [it] the course instructs participants in current food protection practices, fits within the certification category with respect to which approval is sought and has been recommended for approval by the Advisory Board.

(c) *Application for approval.* A person seeking the Department's approval of a continuing education course under this section may obtain an application form from the Department at the address in § 76.16 (relating to contacting the Department). The applicant shall complete the form and return it to that same address. The form shall require the following information:

- (1) The name and mailing address of the applicant.

(2) A course syllabus demonstrating that the course addresses regulatory or food industry changes, updates or advancements, or offers a general review of food safety considerations and procedures.

(3) A copy of all teaching materials for the course.

(4) A copy of all materials to be distributed to persons taking the course.

(5) The proposed sites and dates of the course.

(6) The certification category with respect to which approval is sought.

(7) Other information the Department might reasonably require in evaluating whether to approve the continuing education course.

(d) *Departmental and Advisory Board action on application.* The Department and the Advisory Board will consider application materials submitted to them under subsection (c)(3) and (4) confidential and the proprietary documents of the applicant, and will make no distribution of these materials. The Advisory Board will consider whether to recommend Departmental approval of the continuing education course. If a simple majority of a quorum of the Advisory Board recommends Departmental approval of a continuing education course, the Department will grant its approval, if the other requirements of subsection (b) are met. The Department will mail the applicant its written approval of the continuing education course, its denial of approval or a request for additional clarification or documentation.

**§ 76.14. Reciprocity with other states.**

The Department may accept certification issued to a person by another state if the following apply:

- (1) The other state has requirements for certification that are comparable to those imposed by the act.
- (2) The Department and the other state jurisdiction have entered into a reciprocal agreement to accept each state's certification program as meeting the requirements of the act.

**§ 76.15. Suspension or revocation of certification.**

(a) *Basis for action.* The Department may suspend or revoke the certification of a certificateholder if that person does one or more of the following:

- (1) Violates a provision of this chapter.
- (2) Violates another sanitation regulation.
- (3) Violates the Public Eating and Drinking Place Law or its attendant regulations.
- (4) Violates the Food Act or its attendant regulations.

(b) *Notice.* The Department will provide a certificateholder with written notice of its intention to suspend or revoke certification, which will apprise the certificateholder of the duration of the suspension or revocation and afford that person notice and opportunity for

an administrative hearing before the Department prior to the effective date of the suspension or revocation.

(c) *Delivery of notice.* The Department will deliver the notice described in subsection (b) to the affected certificateholder by personal service or by regular mail to the address provided by the certificate holder on his application for certificate under § 76.10 (relating to applying for certification).

(d) *Reinstatement.* If a period of suspension ends before the expiration date of the suspended certificate, the certificate will be considered reinstated at the end of the suspension period. If a certificate is suspended and the period of suspension ends after the expiration date of the suspended certificate, the certificate is expired and the holder of the expired certificate may reapply for certification at the end of the suspension period in accordance with the act and this chapter.

## **§ 76.16. Contacting the Department.**

A person seeking applications or information relating to the act or this chapter shall forward the request, in writing, to the following address:

ATTN: Food [Employee] Employee Certification

Department of Agriculture

Bureau of Food Safety and Laboratory Services

2301 North Cameron Street

Harrisburg, PA 17110-9408

**§ 76.17. Preemption and local governmental authority.**

(a) *General.* The regulation of food safety protection and training standards for [employees] employees of food establishments is preempted by the Department except that, in accordance with section 6503(f) of the act (relating to certification advisory board and programs), a food [employee] employee certification program established by a county, city, borough or incorporated town or township prior to September 1, 1994, may remain in effect.

(b) *Limitation of local certification.* If a county, city, borough, incorporated town or township elects to operate a food [employee] employee certification program that was in existence prior to September 1, 1994, the certification of persons under that local program shall be valid only within the geographic boundaries of the local government unit. This program validity may be extended to other states or local government units through agreements among other states, or local government units which operate food [employee] employee certification programs that predate September 1, 1994.

(c) *Option of certain local government units.* A county, city, borough, incorporated town or township having a food [employee] employee certification program that was in effect prior to September 1, 1994, may apply to the Department in accordance with the procedure in § 76.5 (relating to approved certification training programs: obtaining the Department's approval) to become an approved certification training program with respect to one or more [industry-specific categories of food establishments] certification

category, as described in § 76.5(b.1) (relating to certification training programs: obtaining the Department's approval).

(d) *Effect of a local government unit's decision with respect to exercising option.* If a county, city, borough, incorporated town or township having a food [employe] employee certification program which was in effect prior to September 1, 1994, does not exercise the option described in subsection (c) or does not obtain Departmental approval of its certification training program [with respect to any particular industry-specific category of food establishment], the unit of local government shall retain exclusive responsibility for certification of the food [employees who would otherwise fall into that industry-specific category] employees.

**§ 76.18. [Advisory Board.] Reserved.**

[(a) *Purpose.* The Advisory Board shall review and recommend Departmental approval of industry-specific certification programs which meet the requirements of the act and this chapter.]

[(b) *Composition.* The Advisory Board will be appointed by the Secretary and consist of at least 21 members. The membership of the Advisory Board is as follows:

- (1) The Secretary, or a designee, who will serve as chairperson.
- (2) The Chairperson of the Agriculture and Rural Affairs Committee of the Senate, or a designee.

(3) The Chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives, or a designee.

(4) The Minority Chairperson of the Agriculture and Rural Affairs Committee of the Senate, or a designee.

(5) The Minority Chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives, or a designee.

(6) A consumer representative.

(7) Two representatives of production agriculture.

(8) At least one person recommended by each of the following:

(i) The Pennsylvania Association of Milk Dealers.

(ii) The Pennsylvania Restaurant Association.

(iii) The Pennsylvania Food Merchants Association.

(iv) The Pennsylvania Convenience Store Council.

(v) The Pennsylvania Bakers Association.

(vi) The Pennsylvania Food Processors Association.

(vii) The Pennsylvania Veterinary Medical Association.

(viii) The County Commissioners Association of Pennsylvania.

(ix) The Pennsylvania League of Cities and Municipalities.

(x) The Pennsylvania State Association of Boroughs.

(xi) The Pennsylvania State Association of Township Commissioners.

(xii) The Pennsylvania State Association of Township Supervisors.

(xiii) The Pennsylvania School Food Service Association.

(9) At least one of the Advisory Board members described in paragraph (8) shall have experience in the field of public health.]

[(c) *Terms of appointees.* Advisory Board members described in subsection (b)(1), (2), (3), (4) or (5) shall be ex officio members. The terms of the initial appointees of the Secretary under subsection (b)(6)--(8) will be 2, 3 or 4 years, as determined by the Secretary, and will be staggered so that the terms of approximately 1/3 of these initial appointees expire in each of the 2nd, 3rd and 4th years of the Advisory Board's existence. Thereafter, the term of each of these appointees shall be 3 years. The term of a person appointed to replace another member whose term has not expired shall be only the unexpired portion of that term. Persons may be appointed to successive terms.]

[(d) *Quorum.* A simple majority of the Advisory Board membership shall constitute a quorum of that body. A simple majority of a quorum is required for any formal action of the Advisory Board.]

### **§ 76.19. Civil penalties.**

(a) *General.* The Department may assess a civil penalty of up to \$300 against a person or food establishment that violates the act or this chapter for the first offense. The Department may assess a penalty of up to \$1,000 for each subsequent offense.



(b) *Notice.* The Department will provide a person or food establishment written notice of a violation of the act or this chapter and an opportunity for an administrative hearing on the violation prior to the imposition of a civil penalty.

(c) *Time for correction of condition giving rise to civil penalty.* If the Department assesses a civil penalty against a food establishment for failing to have the required certified supervisory [employee] employee, it will allow the food establishment 90 days from the violation giving rise to the initial civil penalty before it may assess another civil penalty. During that 90-day period, the food establishment shall comply with the act and this chapter.

COMMONWEALTH OF PENNSYLVANIA



GOVERNOR'S OFFICE OF GENERAL COUNSEL  
DEPARTMENT OF AGRICULTURE  
2301 N. Cameron Street • Room 201  
Harrisburg, Pennsylvania 17110-9408

OFFICE OF CHIEF COUNSEL

Tel: 717-787-8744  
Fax: 717-787-1270

February 4, 2004

Independent Regulatory Review Commission  
333 Market Street, 14<sup>TH</sup> Floor  
Harrisburg, PA 17120

**Re: NOTICE OF PROPOSED RULEMAKING**  
**Department of Agriculture**  
**7 Pa. Code Chapter 76**  
**Food Employee Certification**  
**I.D. No. 2-145**

Dear Sirs:

Please find enclosed copies of the Face Sheet, Preamble, Annex "A" and Regulatory Analysis Form with respect to the above proposed regulation.

Copies of these documents have been submitted to the majority and minority chairpersons of the House and Senate Agriculture and Rural Affairs Committees and to the Legislative Reference Bureau on this date.

The proposed regulation will be published in the February 14, 2004 edition of the *Pennsylvania Bulletin*. If I may be of further information, please advise.

Sincerely,

A handwritten signature in black ink, appearing to read "Dwight-Jared Smith".

Dwight-Jared Smith  
Assistant Counsel

Enclosures

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: 2-145  
 SUBJECT: Food Employee Certification  
 AGENCY: DEPARTMENT OF AGRICULTURE

**TYPE OF REGULATION**

- X Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

RECEIVED  
 2004 FEB -4 PM 3:20  
 REVIEW COMMISSION

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
2/4/04	<u><i>Ernie Staley</i></u>	HERSHEY HOUSE COMMITTEE ON AGRICULTURE & RURAL AFFAIRS
2/4/04	<u><i>S. Daley</i></u>	DALEY
2/4/04	<u><i>C. Waugh</i></u>	WAUGH SENATE COMMITTEE ON AGRICULTURE & RURAL AFFAIRS
2/4/04	<u><i>Judy O'Paik</i></u>	O'PAKE
2/4/04	<u><i>Diana Pagan</i></u>	IRRC INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
2/4/04	<u><i>Lee B...</i></u>	LRB LEGISLATIVE REFERENCE BUREAU (for Proposed only)

February 4, 2004