

# GOODTIME AMUSEMENTS

## RIDES-GAMES-FOOD

73A 09 2004

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3/5/04  
CERTIFIED  
MAY 17 11:53 AM '04  
DEPT. OF AGRICULTURE  
HARRISBURG, PA

Martha M. Melton  
Dept. of Agriculture  
Bureau of Food Safety and Laboratory Services  
2301 N. Cameron St.  
Harrisburg, Pa. 17110-9408

Dear Martha M. Melton

The following comments are directed toward the proposed rulemaking for Pa. code ch.76 Food Employee Certification.

76.3c Allowing a new establishment to remain open without a certified food supervisor for 90 days is not acceptable. Prior to opening the establishment should have a certified employee in place.

76.3d Certified employee turnover-Allowing an establishment 90 days to replace a certified individual is too long. 45 days would be more then an adequate amount of time.

76.14 Reciprocity with other states.

Will a list of states with comparable certification be published and when?

76.19 Civil Penalties:

The penalties of up to \$300.00 for the first offense and up to \$1,000.00 for subsequent offenses seem a bit harsh. The type of offense should dictate the penalty.

For Example: A \$300.00 fine for a hair net missing would be harsh.

I appreciate your consideration of these suggestions and if there is any additional information I can assist with please feel free to call me.

Sincerely,



Irvin L. Good, Jr.



MAR 17 2004



**PFMA Officers**

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Acme Markets, Inc.  
Malvern, PA

March 15, 2004

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Associated Wholesalers, Inc.  
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Ms. Martha M. Melton  
Bureau of Food Safety  
Department of Agriculture  
2301 N. Cameron Street  
Harrisburg, PA 17110-9408

**TREASURER**  
Scott Hartman  
Rutter's Farm Stores  
York, PA

Dear Ms. Melton: *Martha*

**SECRETARY**  
Daniel McNabb  
Lebanon Shops Foodland  
Pittsburgh, PA

Thank you for the opportunity to provide comments to the proposed Food Employee Certification regulations.

The PA Food Merchants Association and PA Convenience Store Council represent over 1600 corporate grocery and convenience store chains that own and operate over 6,000 stores in Pennsylvania and surrounding states. Ninety percent of our membership consists of single store operators.

**PCSC Officers**

**CHAIRMAN**  
Vincent Anderson  
Wawa, Inc.  
Wawa, PA

Our comments are specific to *Section 76.4 Eligibility to apply for certification*. Subsection (a) states that a person shall successfully complete an approved training program, including a certification examination, to be eligible to apply to the Department for certification. No additional reference is made to certification examinations.

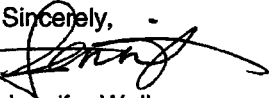
We recognize that Act 190 of 2002 governs the regulatory process for these regulations. It is our understanding that part of the legislative intent of the Act was to include the ability for persons to demonstrate satisfactory knowledge through exams. Section 6, subsection (G)(1)(IV) of Act 190 provides for "the demonstration of satisfactory knowledge and proficiency in the safe handling of food as approved by the Department." With this in mind, we believe that challenge exams should be permitted if they are designed to demonstrate satisfactory knowledge and proficiency in the safe handling of food, and are approved by the Department. A person who has the required knowledge in safe food handling will successfully pass a challenge exam. While the Department must approve the method through which satisfactory knowledge and proficiency in safe food handling is demonstrated, we do not believe that method is restricted to training programs. Therefore, **PFMA and PCSC recommend that challenge exams be permitted for persons to demonstrate their knowledge and proficiency in safe food handling requirements.**

**Association Staff**

**PRESIDENT**  
David L. McCorkle

Again, thank you for the opportunity to provide our comments to these regulations.

- Legislative Representation
- Coupon Redemption
- Money Services
- Insurance Programs
- Scanning Certification
- Seminars
- Annual Meeting
- Publications
- Scholarship Program

Sincerely,  
  
Jennifer Walker  
Director of Government Relations

/jw

**Contact us**  
717-731-0600  
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**PENNSYLVANIA FOOD MERCHANTS ASSOCIATION**  
1029 MUMMA ROAD • P.O. BOX 870  
CAMP HILL, PA 17001-0870  
<http://www.pfma.org>

1-800-543-8207 National  
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Handwritten notes and stamps: "OPEN MAIL - 1 PM 3/15/04" and "MAR 15 2004"

**FOOD EMPLOYEE CERTIFICATION  
PROPOSED RULEMAKING COMMENTS**

Here are the comments from the Chester County Health Department regarding the proposed rulemaking to amend Chapter 76 (relating to the food employee certification).

- A. The duties and responsibilities of the person who becomes "certified" under the standards set forth by the Food Employee Certification Act are not defined. In Chester County, the duties and responsibilities of the Certified Food Manager (CFM) are clearly spelled out in the Chester County Health Department's Rules and Regulations, and listed on the certificate issued to the person who has successfully completed the program. These duties include:
- 1) Be responsible for the supervision and instruction of his/her food service workers in the techniques of sanitary food handling and proper maintenance of the food establishment.
  - 2) Notify the Department in writing within five (5) days after his/her change of employment.
  - 3) Renew this certification by completing the required course work prior to the expiration date listed on this certificate.
  - 4) Monitor staff and notify proprietor of necessity to remove anyone with signs of active illness from food service line.
  - 5) Request proprietor to report to the Health Department the occurrence of any group expression of illness or disease among patrons and/or food service workers.
- B. Limit the certification categories to only include the general certification category. Eliminate the process-specific, modified and non-profit certification categories. The categories also have the same potential for creating a public health disaster.

The proposed rulemaking states that there are four certification categories, the general category and three other categories, which address special circumstances when less expansive training would suffice. It is the opinion of the Chester County Health Department, whose program has been in place for over 25 years, that there are NO special circumstances when less expansive training would suffice. Chester County limits its program to include only the general category where the entire spectrum of safe food-handling techniques is taught.

If the food facility chooses to limit their operations to a certain segment of food service, that is their option. This "all or none" mentality has proven to be very successful in this jurisdiction.

Tracking these four categories throughout the state, along with switching to other certification categories, which will inevitably occur, will be an unmanageable task, and will make it impossible to "draw the line."

I hope these comments are beneficial in establishing the highest standards for implementing the Pennsylvania Food Employee Certification Program.



FEB 23 2004

S O U T H M O U N T A I N Y M C A

# Camp Conrad Weiser Outdoor Center

February 18, 2004

Martha M. Melton  
Department of Agriculture  
Bureau of Food Safety and Laboratory Services  
2301 N. Cameron St.  
Harrisburg, PA 17110-9408

RECEIVED  
FEB 23 2004  
11:05 AM

Dear Mrs. Melton,

I am writing you concerning the proposed Food Employee Certification Regulation. My name is John Koch, and I'm the Director of Outdoor Education and Group Rentals at the South Mountain YMCA Camp Conrad Weiser Outdoor Center located in Berks County.

Our facility offers many meals to thousands of clients each year and a Food Service Director manages our dining services. I received an update of state legislative actions from our Keystone Region, American Camping Association representative. After reading through the wording of the proposed changes and amendments I felt compelled to write you.

In Act 124 of the Food Employee Certification Act it is worded that, "(3) exempting certain food establishments operated by charitable and nonprofit organizations from the requirements of the act;" and developing a training program for charitable and nonprofit organizations to instead *elect* to become certified through. I feel that exempting nonprofits from mandatory certification would be a mistake. We, at South Mountain YMCA, serve a wide range of clients from various age groups, cultures, and social-economic backgrounds. Having a mandated certification to ensure that each meal will be prepared and served safely is important to our image. We hope to be responsible to our clients in every aspect of service. What of the other camps or public service agencies who provide meals to the general public? Unfortunately, there are those who don't share our regard for the safety of the public. Their inability to maintain the confidences of the public do to unsafe practices most certainly will, and does, reflect badly on the rest of the industry.

Parents spend hours visiting, talking with, and checking up on a nonprofit camp to send their children to for the summer. They are looking for a safe, fun, and nurturing environment. Shouldn't they be able to assume that the safety surrounding their children's meals has at least the equivalent of that placed on a restaurant?

Thank you for your time, and consideration. I hope to see the beneficial results of discussion over this issue in upcoming legislative sessions.

Sincerely,

John Koch, Director of Outdoor Education and Group Rentals

CAMP CONRAD WEISER • BYNDEN WOOD DAY CAMP • OUTDOOR EDUCATION

South Mountain YMCA • PO Box 147 • Wernersville, Pennsylvania 19565  
Tel. 610-670-2267 • Fax 610-670-5010 • website: www.smyymca.org • email: ycamp@smymca.org

3901 PENN AVENUE, BLDG. #1  
PITTSBURGH, PA 15224-1318  
PHONE: (412) 578-7933  
FAX: (412) 578-8190

2004 MAR 17 AM 11:23

REVENUE COMMISSION

March 10, 2004

Martha Melton  
Department of Agriculture  
Bureau of Food Safety and Laboratory Services  
2301 North Cameron Street  
Harrisburg, PA 17110-9408

Re: Comments on Proposed Rulemaking  
Chapter 76

Dear Martha:

I'm writing to you as the Chairman of the Pennsylvania Food Safety Alliance (PAFSA). We appreciate the work that you and the Food Employee Certification Advisory Board have done to develop the proposed regulations relating to food employee certification.

I respectfully offer the comments below for the following members of the Alliance:

Ginger Heim, Health Officer Radnor Township  
Caroline Friel, WAWA (for Jane Griffith)  
Ken Hohe, Consumer Representative  
Ted Veresink, Health Officer City of Easton  
Laurie Williams, Penn State University  
Howard Rabinovitch, US Food and Drug Administration  
Dennis Bauer, Bucks County Health Department  
Mike Diskin, Allegheny County Health Department

PASFA Members representing state agencies abstained.

Comments from the Pennsylvania Food Safety Alliance:

- The definition of "limited handling of potentially hazardous foods" is too broad. There is no limitation on the number of potentially hazardous foods that could be handled. It is suggested that limited handling be restricted to handling a single type of food. Once a food business begins to handle two or more potentially hazardous foods, the limited handling would no longer apply and a general certification would be needed. Additionally, the "limited handling" definition should pertain to foods that are heated for immediate consumption only. Holding food hot was thought to be beyond the "limited handling" definition. Specific language should be added that clearly states that no in-store preparation is permitted prior to placement of any food in a heating/warming unit.

Martha Melton  
Department of Agriculture

- Under 76.5 Certification training programs: Obtaining the Department Approval PAFSA's comments focus on the examination. Under 76.5(d)(4) it appears that examinations other than CFP accredited exams are permitted. It is suggested that the language be changed to say that CFP accredited exams are the only exams permitted for the general certification category. As currently written, there is an opportunity for exams that are not accredited by CFP to be used in the general category. Without the accreditation by CFP there is no way to assure that the exams are valid and legally defensible.
- Section 76.5(d)(7) that deals with home study courses should state that only CFP accredited exams can be administered for the general certification category. If home study pertains to the process-specific category where no CFP accredited exams exists then another exam approved by the Department could be accepted.
- For the modified certification category, the format for the 40 exam question should be multiple choice only. Currently, the exam format is not stated. Language should also be added that states the questions must be representative of the course content requirements in 76.7.

I hope you find our comments helpful as you work to develop regulations that provide the highest level of protection for consumers in Pennsylvania.

Thank you again for the opportunity to comment.

Sincerely,

Michael J. Diskin  
Chairman  
Pennsylvania Food Safety Alliance

MJD:dlw

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FEBRUARY 17 2004  
MHC: 23

3901 PENN AVENUE, BLDG. #1  
PITTSBURGH, PA 15224-1318  
PHONE: (412) 578-7933  
FAX: (412) 578-8190

March 10, 2004

Martha Melton  
Department of Agriculture  
Bureau of Food Safety and Laboratory Services  
2301 North Cameron Street  
Harrisburg, PA 17110-9408

Re: Comments on Chapter 76

Dear Martha:

I'm writing to you as the Chief of the Food Safety Program of the Allegheny County Health Department. We appreciate your work and that of the Food Employee Certification Advisory Board to develop the proposed regulations relating to food employee certification.

I would like to offer the following comments:

- The definition of "limited handling of potentially hazardous foods" is too broad. It is suggested that limited handling be restricted to handling a single type of food. Specific language should be added that clearly states that no in-store preparation is permitted prior to placement of any food in a heating/warming-unit.
- Regarding obtaining the Department Approval, our comments focus on the examination. It appears that examinations other than CFP accredited exams are permitted. The language should be changed to say that CFP accredited exams are the only exams permitted for the general certification category. Without the accreditation by CFP there is no way to assure that the exams are valid and legally defensible.
- Home study courses should state that only CFP accredited exams could be administered for the general certification category. If home study pertains to the process-specific category where no CFP accredited exams exists then another exam approved by the Department would be accepted.
- With regard to the timeliness of training, the five years allowed preceding the date of application is too long. It would allow for someone who was certified in 1998 to apply for certification from PDA in 2003 and to be certified until 2008. This means a possible TEN years between certifications.

- For the modified certification category, the format for the 40-question exam should be multiple choices only. Currently, the exam format is not stated. Language should also be added that states the questions must be representative of the course content requirements in the regulation.

I hope our comments are helpful as you work to develop regulations that provide the highest level of food safety protection for everyone in Pennsylvania. If you need any further clarification on any of the above, please contact me on Monday or we can talk this week at the meeting.

Thank you again for the opportunity to comment. See you on Wednesday!

Sincerely,

Glenda M. Christy  
Chief, Food Safety Program





COMMONWEALTH OF PENNSYLVANIA  
**DEPARTMENT OF AGRICULTURE**  
BUREAU OF FOOD SAFETY AND LABORATORY SERVICES

2004 APR -1 AM 8:58

REVIEW COMMISSION

March 30, 2004

The Independent Regulatory Review Commission  
14<sup>th</sup> Floor  
333 Market Street  
Harristown #2  
Harrisburg, PA 17120

**Re: NOTICE OF PROPOSED RULEMAKING**  
**Department of Agriculture**  
**7 Pa. Code Chapter 76**  
**Food Employee Certification**  
**I.D. No. 2-145**  
**34(Volume) *Pennsylvania Bulletin* 831(Page) (February 14, 2004)**

Dear Sirs :

Pursuant to the requirements of the Regulatory Review Act (at 71 P.S. Section 745.5(c)), please find enclosed a copy of a public comment letter, or copies of multiple public comment letters, recently received at this office with respect to the referenced proposed regulation.

If I may be of further information, please advise.

Sincerely,

A handwritten signature in cursive script that reads "Martha M. Melton".

Martha M. Melton  
Sanitarian Program Specialist



MAR 17 2004



**PFMA Officers**

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Acme Markets, Inc.  
Malvern, PA

March 15, 2004

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Bureau of Food Safety  
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TREASURER  
Scott Hartman  
Rutter's Farm Stores  
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Dear Ms. Melton: *Martha*

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Lebanon Shops Foodland  
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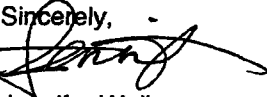
**Association Staff**

PRESIDENT  
David L. McCorkle

Again, thank you for the opportunity to provide our comments to these regulations.

**Services for our members**

- Legislative Representation
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Sincerely,  
  
Jennifer Walker  
Director of Government Relations

/jw

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