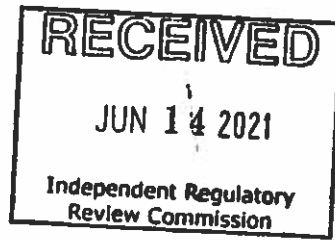


# 3255



Ryan O'Neill  
O'Neill Tap Cleaning Service  
5500 3<sup>rd</sup> Ave  
Altoona, PA 16602

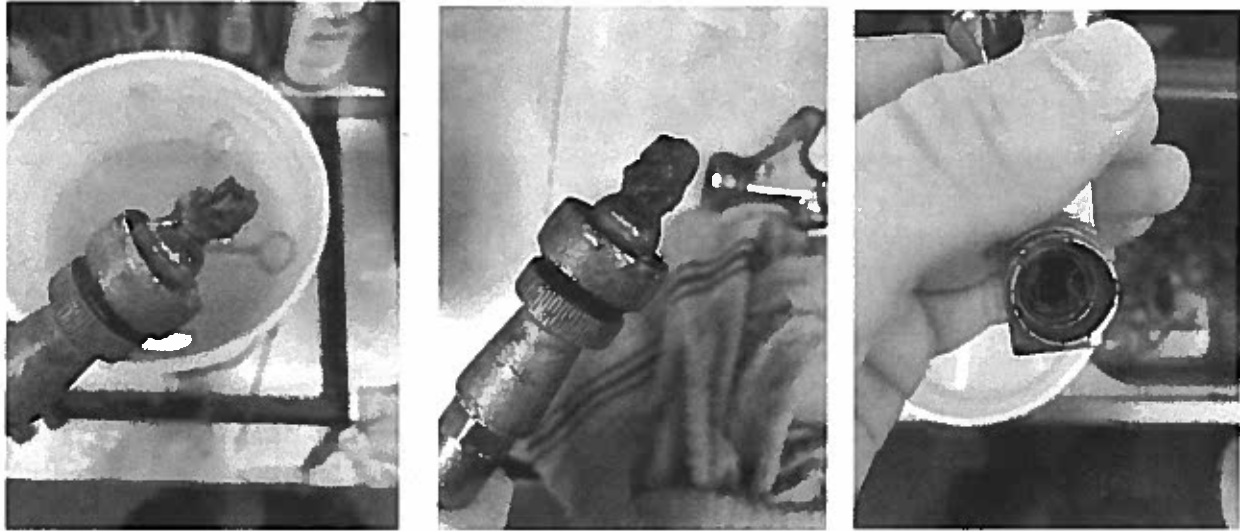
Re: Opinion on the proposed regulatory change to PA 40 Pa. Code Chapter 5 and 9. Regulation #54-101: Cleaning of Malt or Brewed Beverage Dispensing Systems.

I have been taking apart and cleaning draft beer systems for over 30 years and have been able to do so since I was seven years old. I have cleaned systems ranging from 1 faucet with just a few feet of line connecting the keg, to systems with over 200 beers on tap with a hundred feet of line connecting to the keg. I service systems that use electronic or ultrasonic cleaning methods and have use every form of surface and chemical cleaning at some point during my time as a professional in the industry. I do not believe that any person, organization, or member of any organization that has been part of the process of the proposed regulatory change relating to the cleaning of malt or brewed beverage dispensing systems has this level of experience. I also believe that based on my experience I can provide valuable information and insight into the proposed regulatory change to the cleaning of malt or brewed beverage dispensing systems.

The part of the proposed regulatory change that I would like to utilize my experience to provide input on is the proposed change to 5.51(c) which details the frequency of which cleaning of the components of the beverage system is required. Based on my observations as a professional in the beverage cleaning industry, changing the frequency of required cleanings from once every seven days to once every 14 days is not in the public interest and does not aid in the protection of public health. The proposed regulatory change puts the interest of the PA state licensees above the interest of the public and would lessen standards of cleanliness that have been proven to protect public health in the commonwealth for many years.

Under the current seven-day frequency of required cleaning regulations I have personally observed beverage dispensing systems in use that I would consider to be a danger to public health. I have observed faucets that are so packed with yeast and bacteria growth that they are difficult to take apart. I have observed beer lines with so much buildup of organic material that chemically cleaning them results in large chunks of solid to be released in the process every week. I have even cleaned living bugs out of tap systems. Figures 1 contains pictures that I personally took of the existing conditions in an in-use beverage dispensing system that I took over cleaning responsibilities of.

**Figure 1: Faucet conditions of an in-use beverage dispensing system under the current seven-day frequency of cleaning regulations.**



As can be observed from the pictures in figure 1 the current regulation of the frequency of cleaning of beverage systems being every seven days results in systems being used that are most likely a danger to public health. Decreasing the frequency to twice the current regulations would only make the prevalence of such situations more common than they are now.

One of the sources that has been cited to support the change of the frequency of cleaning from once every seven-days to once every fourteen-days is the Draught Beer Quality Manual published by the Brewers Association. I think that it is important that some of the language and finer details of that manual be further evaluated if it is to be used as supporting evidence for the proposed regulatory change. One of the more important statements made in the Draught Beer Quality Manual is that “Many states require regular draught system line cleaning, but all too often the methods used fall short of what is needed to actually maintain beer quality”. Figure 1 clearly shows there are situations where the methods used in Pennsylvania are falling short. The Draught Beer Quality Manual also states on page 78 of the 2019 edition that line cleaning should be done at a “Minimum Every Two Weeks”. This means that the proposed regulatory change to cleaning once every fourteen-days puts Pennsylvania at the limit of what the Brewers Association recommends.

The only person who truly knows how often a beverage dispensing system needs to be cleaned is the person who actually does the cleaning. Some of the systems I clean would be unaffected by changing the frequency to once every fourteen-days but there are other systems where cleaning once every seven-days is a necessity. I fear that if the proposed regulatory change is implemented that the systems I know to be ones who start to build up deposits as shown in figure 1 and/or expel precipitates from the lines during weekly chemical cleaning will become a public health concern. I also wonder what the economic impact might be to a licensee if the precipitates that I remove from lines on a weekly basis would find their way into a customer’s glass rather than being removed.

I mentioned earlier that the proposed regulatory change puts the interest of the PA state licensees above the interest of the public. I think this is evident in certain sections and language used in the submitted regulatory analysis form and some of the comments and input given by the organizations who originally lobbied for this change. For instance, section 15 of the regulatory analysis form states "Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation". I find it worth noting that the patrons, or draft beer drinking public, of the licensees are not mentioned as a type of person that will be affected by the regulation. Based on my personal experience, the draft beer drinking public could potentially be affected by drinking beer out of systems that are cleaned half as often as they used to be. The same idea is also present in section 18 of the regulatory analysis form in the explanation of how the benefits of the regulation outweigh any cost and adverse effects. The fact that the response mentions only the benefit of saving money for the licensee and nothing about the possible adverse effects incurred by the draft beer drinking public shows that the public interest is taking a back seat to the interest of the licensees. As a person who has spent many years doing scientific research and many more years teaching the scientific method to my chemistry students at Penn State, I am most concerned with the statement made on the regulatory analysis form in section 28. In section 28 it states that "The PLCB has not relied on data to justify this regulation." This to me indicates that there was little to no effort put into making sure that the proposed regulatory change has been proven to be safe to the public and therefore goes against the overall public interest. The comments made by the Pennsylvania Restaurant & Lodging Association on the proposed change are also concerning to me as far as the motive behind the push for the regulatory change. I could not disagree more with the statement that draft beer served out of a system cleaned every fourteen-days "will lend itself to the best quality beer served to consumers" verses draft beer served out of system cleaned every seven-days.

In conclusion I believe that the proposed regulatory change to the frequency of cleaning of malt or brewed beverage dispensing systems from once every seven-days to once every fourteen-days does not benefit the public and could possibly be a concern for public health. The change only serves to benefit the bottom line of the licensees of the commonwealth at the cost of the quality of the product that they serve the public.

Thank you for your consideration of my input into the proposed regulatory change.

Sincerely,

Ryan S O'Neill