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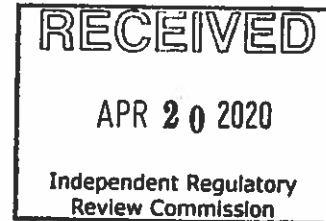
SPLE 2-3 (5-88)



**PENNSYLVANIA STATE POLICE
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April 17, 2020



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RE: Proposed Regulation #54-101: Cleaning of Malt or Brewed Beverage Dispensing Systems

Dear Chief Counsel Diaz:

As you know, the Pennsylvania State Police, Bureau of Liquor Control Enforcement (BLCE) enjoys a collaborative relationship with the Pennsylvania Liquor Control Board (Board). As the entity charged with the responsibility for enforcing the Liquor Code and the Board's Regulations, I wanted to share BLCE's comments on the proposed regulation noted above, which seeks to amend section 5.51, entitled "Cleaning of malt or brewed beverage dispensing systems."

We fully support and appreciate the clarification in subsection 5.51(a) that any licensee using a beer dispensing system in its licensed premises must clean the system in accordance with the regulation. As a result of the sweeping changes ushered in by Act 39 and Act 166 of 2016, all Pennsylvania licensed producers of alcoholic beverages are permitted to sell each other's products for on-premises consumption. Limited wineries and limited distilleries are now able to sell beer produced by licensed breweries for on-premises consumption, and may sell such beer via dispensing systems (i.e., "on draft"). Therefore, such licensees should be required to clean their beer dispensing systems in the same manner as licensed retail establishments.

With regard to the proposed change in the frequency of cleanings from seven days to 14 days, while the BLCE does not necessarily oppose this, we would ask that in its final rulemaking, the Board evaluate the public safety aspect and perhaps consider a more comprehensive change to the regulation. Section 5.51(b) provides that "[t]he method of cleaning must leave the entire malt or brewed beverage dispensing system in a clean and sanitary condition." Therefore, the timeframes between cleanings and the methodology used for such cleanings are important in considering this proposed rulemaking.

The Brewers Association's publication relied upon by the industry groups requesting the proposed change, namely the 4th Edition of the "Draught Beer Quality Manual," makes a number of recommendations related to cleaning frequency tasks, of which the 14-day cleaning of draft lines, faucets, couplers, and foam on beer (FOB) devices, with a caustic line-cleaning chemical, is one component.

For example, the Manual recommends that every 14 days, all faucets should be completely disassembled to be cleaned, and all keg couplers should be physically scrubbed clean, which is not explicitly stated in section 5.51. Further, there are other specific cleanings that are recommended quarterly (every three (3) months), and semi-annually (every six (6) months), including the recommendation that all FOB devices should be completely dissembled and hand-detailed (cleaned). Further page 65 of the Manual provides that:

"These are standard recommendations no matter how much or how little beer is dispensed through the system. Bacteria is constantly growing, and stronger biofilms will take hold when less frequent cleanings are practiced. More aggressive cleaning schedules and practices may be needed for older systems, problematic systems, or when proper line cleaning practices have historically not been in place."

While section 5.51 provides that the cleaning method must include "cleaning the entire system" once every seven days, there is currently no provision in the regulation as to disassembling any components or hand-detailing or scrubbing them. Accordingly, simply focusing on the temporal change from seven to 14 days for cleanings, without evaluating the need for changes in the methodology of those cleanings, may not adequately address the public safety concerns that even the industry, through its Manual, appears to acknowledge.

The BLCE is not intending to make it more difficult for licensees to clean their beer dispensing systems, and it certainly acknowledges the financial benefits of less frequent cleanings, but we have a genuine concern regarding cleanliness and public safety. Our liquor enforcement officers frequently conduct inspections of such systems during routine checks. There have been numerous instances in which licensees have records indicating the systems have been cleaned every seven days, yet when a clean swab is placed inside various components and it is removed, it is manifestly clear from the amount of "gunk" on the swab that the system is not being maintained "in a clean and sanitary condition" as required by the Board's Regulation.

It is our concern that extending the period between cleanings to 14 days, without evaluating the methodology to be used in the cleanings (including, but not necessarily limited to the Manual's recommendations), may not adequately address public safety concerns, and I would urge you to consider this as you prepare your final rulemaking. Thank you for taking this into consideration.

Sincerely,

MAJOR 

Major Jeffrey A. Fisher
Director, Bureau of Liquor Control Enforcement