

March 1, 2023

Dear Food Facility Operator:

On December 28, 2022, the U.S. Food and Drug Administration (FDA) announced the release of the 2022 edition of the FDA Food Code. Under 7 Pa. Code, Chapter 46, the Commonwealth adapts the current, and subsequent versions of the FDA Model Food Code as its regulations.

Changes to the regulations are communicated to facilities as food inspectors conduct inspections, and through our partner trade associations. As done with past practice, the Department will phase in enforcement of these changes and will consider the first inspection from the release of the food code to be educational. The Department will not cite violations or conduct enforcement relative to the new provisions until the second inspection based on the facility's assigned risk level.

This summary provides a synopsis of the changes made from the 2017 FDA Food Code and 2019 Supplement to the 2017 FDA Food Code edition. The primary focus of this document is to capture the intent of the major changes rather than to identify every word or editing change. This record should not be relied upon as an absolute comparison that identifies every change. Some major changes to the 2022 edition include:

- **1-201.10(B)** revised the definition of "Major food allergen" to add Sesame effective January 1, 2023, as the 9th major [food allergen](#)
- **1-201.10(B)** revised the definition of intact meat and **3-401.11(A)(2)** included enhancements to clarify time/temperature cooking requirements
- Added section **3-204.10 Food Donation**, to indicate food stored, prepared, packaged, displayed, and labeled in accordance to LAW and this Code may be offered for donation.
- Added section **3-401.15 Manufacturer Cooking Instructions** to address manufactured food cooking instruction on commercially packaged food
- **3-602.11(C)(2)** added labeling of major food allergens in bulk food that is available for consumer self-dispensing
- **3-602.12(C)** added paragraph to address informing consumers, in writing, of major food allergens as ingredients in unpackaged food
- **5-202.12(A)** revised the minimum hot water temperature at the hand sink from at least 38°C (100°F) to at least 29.4°C (85°F).
- **6-501.115(D)** added new exception paragraph to allow for pet dogs in outdoor dining areas.

PDA will continue to take a moderate approach in determining where, on the premises, live animals may be permitted. Consideration is given to whether the presence of the animal(s) on the premises may or may not contaminate food, food equipment, or the food employees themselves.

Additional changes to the 2022 Food Code include the following:

2-101.11

- Added new paragraph (B) to address situations where the regulatory authority has deemed a food establishment to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of their operation and extent of food preparation.

2-103.11

- Added new paragraph (J) to address additional duty requirement for the Person in Charge to ensure food employees are properly maintaining the temperatures of time/temperature control for safety foods during thawing
- Amended paragraph (O) to indicate what food allergy awareness includes.

3-203.11

- Amended subparagraph (B) to include language to clarify prohibition of comingling in original containers.



3-302.11(A)(1)

- Added additional exception indicating instances when raw animal food does not need separation from RTE food.

3-501.19(B)(2)

- Added new subparagraphs to address a READY- TO-EAT produce or hermetically sealed FOOD that is rendered TIME/TEMPERATURE CONTROL FOR SAFETY FOOD upon cutting, chopping, or opening of a hermetically sealed container to begin at 21°C (70°F) or less and remain at 21°C (70°F) or less within a maximum of 4 hours.

3-502.12(e)(iii)

- Added new subparagraph to address cook chill/sous vide products cooled to 5°C (41°F) in the sealed PACKAGE or bag as specified under §3-501.14 and subsequently cooled to 1°C (34°F) and moved to 5°C (41°F) holding temperature and held for a max of 7 days.

4-205.10

- Amended to clarify that equipment that has been certified for conformance to an appropriate American National Standard is deemed to comply with the equipment sanitation provisions contained in Parts 4-1 and 4-2.

7-203.11

- Amended to include the prohibition of storage of equipment, utensils, linens, single- service, or single-use articles in containers previously used for storing toxic chemicals. The section previously only mentioned the prohibition of storing food in these containers

8-103.12(A)

- Added new paragraph to address maintenance of approved variance at the food facility

Annex 3 Public Health Reasons/Administrative Guidelines

3-501.17

- Amended Public Health Reasons for Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking, to include reference to a fact sheet developed to understand the types of information that may be included on a date marking label and what the disposition time of that product looks like based on the information provided.

Please refer to the FDA [Summary of Changes in the 2022 FDA Food Code](#) and the [FDA Food Code 2022](#) for a complete list of revisions.

A prior change in the 2017 FDA Food Code revised the requirement for the Person in Charge (PIC) to be a Certified Food Protection Manager (CFPM), Section 2-102.12(A) and 2-102.20(B). The Department is continuing the process of promulgating regulations to reflect the FDA Food Code changes with respect to Food Protection Manager Certification requirements as required by the Food Employee Certification Act. In considering this regulatory process, it will take approximately 18-24 months for the requirement to certify the Person in Charge as a Certified Food Protection Manager to be fully effective. Until that time, the statutory requirement requires that a retail food facility have at least one employee who holds a valid certificate.

Please contact the Bureau of Food Safety at the Pennsylvania Department of Agriculture at 717-787-4315 with any questions you have about the changes.

Pennsylvania Department of Agriculture
Bureau of Food Safety & Laboratory Services