

**FILLING GROWLERS AT BEER DISTRIBUTORS
POLICY AND INTERPRETATION**

Background

On November 15, 2016, Act 166, signed into Law by Governor Wolf, amended the PA Liquor Code. The Law made several amendments to the liquor code, but primarily included two major changes: 1) enhanced provisions for Beer and Wine sales at retail food stores, and 2) allowing the traditional 12-24 pack beer distributor to sell any quantity of ‘packaged’ beer, including refillable growlers.

Food Code as Applicable to Refilling Growlers at Traditional Beer Distributors

3-304.17 Refilling Returnables

- (C) A take-home FOOD container returned to a RETAIL FOOD FACILITY may be refilled at a RETAIL FOOD FACILITY with BEVERAGE if:
- (1) The BEVERAGE is not a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;
 - (2) The design of the container and of the rinsing EQUIPMENT and the nature of the BEVERAGE, when considered together, allow effective cleaning at home or in the RETAIL FOOD FACILITY;
 - (3) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;
 - (4) The CONSUMER-owned container returned to the RETAIL FOOD FACILITY for refilling is refilled for sale or service only to the same CONSUMER; and
 - (5) The container is refilled by:
 - (a) An EMPLOYEE of the RETAIL FOOD FACILITY, or
 - (b) The owner of the container if the BEVERAGE system includes a contamination-free transfer process as specified under §§ 4-204.13(A), (B), and (D) that cannot be bypassed by the container owner.

5-204.11 Handwashing Sinks

A HANDWASHING SINK shall be located:

- (A) To allow convenient use by EMPLOYEES in FOOD preparation, FOOD dispensing, and WAREWASHING areas, and
- (B) In, or immediately adjacent to, toilet rooms.

4-301.12 Manual Warewashing, Sink Compartment Requirements

- (A) Except as specified in ¶ (C) of this section, a sink with at least 3 compartments shall be provided for manually washing, rinsing, and SANITIZING EQUIPMENT and UTENSILS.
- (B) Sink compartments shall be large enough to accommodate immersion of the largest EQUIPMENT and UTENSILS.
- (C)
- (D) Before a 2-compartment sink is used:
 - (1) The LICENSE HOLDER shall have the use APPROVED; and

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- (2) The LICENSE HOLDER shall limit the number of KITCHENWARE items cleaned and SANITIZED in the 2-compartment sink, and shall limit the WAREWASHING to batch operations for cleaning KITCHENWARE such as between cutting one type of raw MEAT and another or cleanup at the end of a shift, and shall:
- (a) Make up the cleaning and SANITIZING solutions immediately before use and drain them immediately after use, and
 - (b) Use a detergent-SANITIZER to SANITIZE and apply the detergent-SANITIZER in accordance with the manufacturer's label instructions and as specified under § 4-501.115, or
 - (c) Use a hot water SANITIZATION immersion step as specified under ¶ 4-603.16(C).
- (E) A 2-compartment sink may not be used for WAREWASHING operations where cleaning and SANITIZING solutions are used for a continuous or intermittent flow of KITCHENWARE or TABLEWARE in an ongoing WAREWASHING process.

4-501.16 Warewashing Sinks, Use Limitation

- (A) A WAREWASHING sink may not be used for handwashing as specified under § 2-301-15.

5-203.14 Service Sink

- (A) At least 1 service sink or 1 curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.

Food Code Interpretation as it Related to Refilling Growlers in a Beer Distributor

- Growlers need to be provided by the beer distributor, or from an obvious commercial source, and designed to be effectively cleaned, durable, and intended for refilling. (3-304.17(C)(2))
- Growlers provided/sold by the beer distributor & filled for the first time shall be received 'cleaned and sanitized' from the manufacturer, OR shall be 'washed, rinsed and sanitized' (and air dried) by the beer distributor before filling the first time.
- A system for rinsing growlers, returned by consumers, before refilling, must be provided. System shall include warm water under pressure, and water may not be recirculated. Note: A Food Code definition of 'warm' does not exist, but 100°F is required for 'handwashing.' (3-304.17(C)(3))
- A consumer-owned refilled growler must be returned to the same CONSUMER. (3-304.17(C)(4))
- Growlers may be refilled by a FOOD EMPLOYEE or by CONSUMER self-service. If growlers are to be refilled by CONSUMER self-service it must be a contamination-free transfer process that cannot be bypassed by the container owner. This is not a simple requirement and will impose additional standards beyond the simple tap system typically seen behind a bar. See ¶¶ 4-204.13(A), (B), and (D). (3-304.17(C)(5))
- A properly equipped handwash sink must be convenient and accessible at the growler filling and warewashing areas. (5-204.11(A))

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- A 3-compartment warewash sink, with basins large enough to immerse the largest equipment, shall be provided for washing tap system equipment. The appropriate drain board and/or provisions for air drying must be provided. (The warewash sink could also potentially be used for the ‘warm water’ rinsing of growlers before refilling.) (4-301.12(A)(B))
- A 2-compartment sink could be approved by the Inspector. Warewashing must be limited to batch types of operations, and an approved detergent-SANITIZER shall be used. A 2-compartment sink for warewashing may limit future expansion to other food preparation activities such as roasting peanuts, popping popcorn, or making any other food items. (4-301.12(D))
- NOTE: An Inspector could also approve a 3-compartment sink for handwashing in one bay, and warewashing in 2 bays. There must be a splash guard between the handwashing and warewashing bays, and both must be equipped and used as specified above.
- NOTE: IF a facility has limitations on space, (as confirmed by the Inspector), only does limited batch warewashing at the end of a day or shift, and wants to use a 3-compartment for handwashing and for **3-compartment** warewashing, the facility must apply for a VARIANCE. This is a violation of Food Code 4-501.16 – Warewashing Sinks, Use Limitations.

Some issues they must address in the variance request:

- Possible multiple ‘faucets’ if they are using the sink for handwashing and rinsing growlers to be refilled
 - Is the sink large enough to prevent cross contamination / splash between handwashing and rinsing of refillable growlers
 - Timing for washing and sanitizing of ‘new’ growlers being sold
 - Cleaning & sanitizing the sink compartments prior to warewashing activities
 - A VARIANCE should only be offered if there is a compelling reason that the facility cannot comply any other way, or the Inspector in his professional judgement feels this would protect food safety better than other methods that could be approved.
- Utility Sink or Curbed Cleaning Drain shall be provided.
 - If these provisions do not exist, a VARIANCE could be applied for, if the Sanitarian feels that adequate alternate floor cleaning protocols exist. VARIANCE should explain how floors are being kept clean and cleaning implements are maintained. (Examples might include a floor cleaning machine, and/or mop bucket wastewater being disposed of in toilet facilities.) (5-203.13(A))