

Enforcement of COVID-19 Governor's Closure Order to cease dine-in service from December 12, 2020 through January 4, 2021.

Responding to a facility who has received an Email/Mail warning letter

Be prepared in advance:

- Have Closed by Order Notice filled out and prepared in advance.
 - Take minimal equipment with you (leave all food safety inspection equipment and computer in the car)
1. Visit facility to see if indoor 'dine-in' operations are occurring when directed by supervisor and management.
 2. Have a **brief** discussion with the operator to determine if they are willing to cease dine-in operations. Inform them if they are not willing to comply, you will be issuing a 'Closed by Order Notice'. Do NOT argue or engage in prolonged conversation. If needed refer to the two speaking points below.
 3. If facility operator has no intention of closing, hand them the 'Closed by Order Notice' and leave immediately.
 4. Document on the COVID-19 Mitigation Checklist inspection report (IR) that the facility was provided a 'Closed by Order Notice'.
 5. After leaving the facility, type up a COVID-19 Mitigation Checklist IR documenting the mitigation violations you observed, including failure to cease dine-in services.
 - a. The following PDC's are available in PAFS:
 - i. *Retail Food Facility found to be non-compliant with the Orders of the Governor and Secretary of Health Limited-Time Targeted Mitigation Order issued 12/10/2020 prohibiting in-person indoor dining services.*
 - ii. *Retail food facility allowing in-person indoor dining in violation of the Orders of the Governor and the Secretary of Health Directing Limited-Time Targeted Mitigation issued 12/10/2020. The facility has been Closed by Order and shall not reopen until approved by this Department. The Closure Order posted by the Department shall not be removed, altered or concealed in any way, under penalty of Law.*
 - iii. *Retail Food Facility refusing to remain Closed by Order of the Department. Further legal action will be enforced by the Department of Health.*
 - iv. *At the time of this inspection, Retail Food Facility has agreed to cease indoor, dine-in operations and comply with the Governor and Secretary of Health Limited-Time Targeted Mitigation Order. Facility has been made aware if found operating against Orders after the date of this inspection, further legal action will be enforced by the Department of Health.*
 6. Email/Mail a copy of the OUT of compliance COVID-19 Mitigation Checklist IR to the facility.
 7. Report all facility status's after inspection to Chief of Field Operations, Nichole Martz.
 8. If a facility refuses to close, they will be forwarded to Department of Health for further legal action.

Responding to a facility who is found allowing Indoor Dine-in during routine inspection work.

1. Stop the regulatory food safety inspection **immediately**.
2. Conduct a COVID-19 Mitigation Checklist inspection.
3. Document the mitigation violations you observed, including failure to cease dine-in services
4. Have a brief discussion with the operator to determine if they are willing to cease dine-in operations.
5. If not, issue closure notice (steps 3-8 above)

Key Notes:

- At no point in time will PDA BFSLS conduct any food safety work at a facility failing to comply with the Governor's Closure Order to cease dine-in service from December 12, 2020 through January 4, 2021. These facilities are open and operating illegally and no food safety work will be conducted.
- All efforts to enforce COVID-19 mitigation will be documented on the COVID-19 Mitigation Checklist inspection reports **ONLY**. No reference to COVID mitigation should be documented on any retail inspection reports.
- At no point in time should a BFSLS Field Inspector try to persuade or get confrontational with any operators refusing to close or comply. Staff should walk away and leave.

Talking points if owner or manager questions your authority to conduct an inspection please reference the following:

The Orders in place and those put in place over the last several weeks (the Orders) are all enforceable disease control measures under the Disease Prevention and Control Law. As previously advised, citations may be written under the Administrative Code of 1929 71 P. S. § 1409 and/or the Disease Prevention and Control Law of 1955 35 P.S. § 521.20(a) for violations of any of the Orders. Persons who fail to comply with any of the Orders may be fined between \$25 and \$300 dollars.

Pursuant to 35 Pa. C.S. § 7301, the Governor may utilize all available resources of the Commonwealth Government and each political subdivision of this Commonwealth as reasonably necessary to cope with the disaster emergency which includes transferring the direction, personnel or functions of Commonwealth agencies or units thereof for the purpose of performing or facilitating emergency services

Responding to Consumer Complaints (CC) received after 12/12/2020 for Indoor Dining

- All CC's should be entered in PAFS following routine procedures.
- Chiefs Nichole Martz and Stefanie Smith are maintaining a tracker of facilities known to be operating against Orders.
- This tracker will be shared in "Read Only" Status with Regional Supervisors.
- Supervisor should cross reference to make sure a facility is on the tracker.
 - If facility is on tracker and indoor dining is verified, facility will receive WL. CC should be marked as **closed and verified**.

- If facility is not on tracker, supervisor is to notify Nichole/Stefanie of facility. Nichole/Stefanie to verify dine-in operation. If verified, will proceed as indicated above. If unverified, more direction to follow for verification purposes. Complaint to remain **pending until otherwise verified/unverified**. If multiple complaints are received, mark all but one complaint which will be used for purposes of in-person responding when directed by management as **closed and unverified**.
- In person follow-up after WL or as needed to verify indoor dining, will occur when directed by management.
- Proceed as indicated in steps above when responding.

Note:

- CC's received for mask use, employee quarantine, occupancy limits and/or social distancing as it relates to a Retail Food Store (grocery/convenience store) OR Retail Food Facility (bar, restaurant, fast food, etc.) NOT in violation of dine-in orders, must be followed up as indicated in the COVID-19 Mitigation Enforcement Guidance. When a threshold of three (3) complaints are received within 60 days, an in-person inspection should be conducted. Masks, social distancing, occupancy and/or employee quarantine mitigation strategies are all still applicable for retail food stores, take-out and outdoor dining operations.