

Winery Production and Retail Sales/Service Q & A

Licensing/Registration

- What is the difference between registering and becoming licensed?
 - The Commonwealth has two specific food safety laws. The Retail Food Facility Safety Act provides for LICENSING of retail food facilities. The Food Safety Act provides for REGISTRATION of food establishments. A determination must be made with respect to an individual food facility whether it is by legal definition a retail food facility or a food establishment, or perhaps both. Retail food facilities are those facilities that sell or serve food directly to consumers, such as restaurants, grocery stores, and farm market vendors, and unless exempt require licenses. Food establishments include food processors, manufacturers, warehouses and distribution, and with no exemptions, require registration.

- What type of license must a winery obtain through the PDA?
 - Your liquor control license as a winery has nothing to do with your need for a Food Establishment Registration or other licensing with PDA.
 - A winery that is manufacturing wine, is by definition a food establishment at the physical location of the 'winery' and must register with PDA. If the winery has a retail outlet on-site or operates other 'satellite' locations where they sell or serve wine and/or other foods to consumers, these locations are considered retail food facilities. These retail food facilities must be evaluated through an application process to determine whether they are exempt or require licensing, and the extent of equipment and other food safety measures necessary based on the types of foods sold or served. In general, winery operated on-site, satellite or farmers markets retail food facilities would be exempt from licensing if they 'only' retail unopened bottles of wine. If an otherwise exempt retail location provides food or wine 'samples,' this would not alter the exempt licensing status of the facility, but will require additional food safety measures, such as hand washing.

- What must a new winery do to become licensed through the PDA?
 - In order for a winery or its satellite locations to be appropriately licensed or registered, a plan review application must be completed and filed with PDA. Although, PDA has sole jurisdictional authority over registering a winery manufacturing establishment, if a winery operates an on-site retail outlet or other satellite locations in a county or local health area licensing and inspecting retail food facilities in their jurisdiction, application must be made to the county or local health authority for the specific retail locations within those local jurisdictions, and not to PDA.

- What are the costs associated to becoming licensed through the PDA?
 - Food Establishment registration (winery) - \$35 per year.
 - Retail Food Facility license (farm market or other retail 'satellite' location) - \$82 per year.

- 'New' Retail Food Facility - owner operated <50 seats - \$103 for first year
- 'New' Retail Food Facility – NOT owner operated, or > 50 seats - \$241 for first year

- Is it mandatory to become licensed through the PDA? Will I be penalized for not registering my winery?
 - Yes, all food processors within the Commonwealth, that desire to sell or service their food to the 'public,' must register with PDA. If foods are found in commerce, from Commonwealth sources which are not inspected and registered, the food is not from an "approved" source, and must be removed for sale and could possibly be 'seized' by order of the Department. Food processors may also be subject to summary prosecutions and or civil penalty assessments for continued failure to register as required.

- How often must a winery renew its license/registration from the PDA?
 - All registrations and licenses are annual. Annual renewal invoices are mailed from the Harrisburg office approximately 60 days prior to the expirations date. If the last inspection conducted resulted in an overall "compliant" status, the renewal fee will be processed. If the food facility is "non-compliant" on the last inspection, the renewal cannot be processed until the facility is inspected and receives a "compliant" status.

- Where would I find information on how to become licensed?
 - Information can be found on the website www.agriculture.pa.gov/eatsafe
 - Farmers Market Information & Applications can be found on the right menu under "Farmers Markets".
 - Registration Information & Application Packet can be found in the menu on the right under "Manufacturing, Processing, Distribution, Warehousing, Wholesale".
 - Other Retail Satellite Locations can find Information and Applications under the "Retail Food Facilities and Restaurants."

Inspection

- What must a winery be aware of prior to an inspection from the PDA? Do you have a list of guidelines for a winery to adhere to, to ensure passage of inspection?
 - See licensing information provided above.
 - Wine producers must comply with the Law and the Code of Federal Regulations with respect to good manufacturing practices and other food related requirements.
 - At the Farmers Market or any other retail satellite locations, the Retail Food Code will apply, inspection must occur and a retail food facility license may be needed.
 - Wineries may set themselves up as mobile...traveling from market to market utilizing the same set up and equipment at each location. This

would only require one Retail Food Facility license (as a mobile unit). Approval as a mobile unit is on a case by case basis based off of the approval of the Plan Review Application.

- Will the inspector notify me in advance of his/her visit?
 - For a new facility the first step in the process is to fill out an Application Packet- Retail Food Facility”, available on our website and submit it to your local PDA Regional Office.
 - Once your paperwork is reviewed and approved a Sanitarian will contact you to set up an inspection of your stand (or production site).
 - At the conclusion of the inspection, if the facility is compliant, your license/registration fee (if applicable) will be collected and you will be approved to start your business.
 - This process can take 4- 6 weeks, so plan ahead.
 - All other inspections are done on an un-announced basis.

- Who is a designated inspector?
 - Inspectors are placed all around the Commonwealth. PDA is separated into nine regional offices.
 - If the farmers market or other retail satellite location is located in a Local or County Health jurisdiction, that agency will have their own Sanitarians.
 - A list of Local and County Health jurisdictions can be found at www.agriculture.pa.gov/eatsafe

- Are inspections required as part of registration and licensing?
 - For a newly licensed/registered facility an initial announced and scheduled inspection will be performed prior to opening.
 - Unannounced routine or complaint inspections at the winery, farmer market or any other retail satellite location can occur any time, but will most commonly be annually during normal business hours.
 - Routine inspections will occur throughout the life of the business.

- Would I be penalized for not having my facility inspected?
 - Potentially. All food facilities must be inspected. If you are currently not licensed and are currently operating a Retail Food Facility, simply contact your Regional Office and begin the process of applying for a license. As long as you are doing your due diligence the Department will not issue any fines for lack of licensing. If you fail to obtain a license, the Department does have latitude to take legal action, including summary prosecutions and issuing civil penalties for failure to comply.
 - For wineries manufacturing wine, you must register and be inspected as a Food Processing site. Similar penalties apply to food establishments which fail to register, in addition to potential wine products being removed from sale or ‘seized’ if offered in commerce from ‘unapproved’ sources.

- What is the list of approved chemicals a winery can use in its day to day operation?
 - Cleaners: Any approved cleaner for food contact surfaces would be allowed.
 - Sanitizers: Any chemical that is approved by FDA (21 CFR 178.1010) for use as a food contact sanitizer and is being used according to the approved EPA labeling would be acceptable. Generally, products that are chlorine, quaternary ammonia or iodine are used. Whichever sanitizer you decide on for your business must be able to be tested for the appropriate use concentration using chemical specific testing strips or kits. See your chemical supplier for details on obtaining chemical testing strips or kits.
 - For all chemicals, cleaners and/or sanitizers, you should review the product's manufacturer label for the approved usage, application and concentrations.

- For new wineries, how does an inspection affect opening date?
 - The production site of the winery must be registered and inspected prior to sale, service or distribution of the product.
 - Any retail sales location must be inspected and/or licensed prior to sale or service.
 - The Plan Review Application Process can take up to 4-6 weeks to finalize; therefore, it is in your best interest to submit your Plan Review and Application at least 60 days prior to opening.

- For already operating wineries does an inspection affect hours of operation (does it need to take place before or after hours)?
 - Inspections occur during normal and reasonable business hours. Usually Monday thru Friday 8:00am – 4:00pm.
 - The inspection can occur during active production or non-production times.
 - During inspection it is recommended that a person in charge accompany the Sanitarian, but it is not required.
 - At the conclusion of the inspection, you will be left with a written copy of our inspection report.

- Is there a resource or contact person to reach for questions related production of wine?
 - Manufacturing Food Program Specialist, via phone at 717-787-4315 or email at ra-foodsafety@pa.gov

Farmers' Markets

- How do I register as a vendor at a farmers' market?
 - For *Farmers Market Stands* or other retail satellite locations: Visit our web site at www.agriculture.pa.gov/eatsafe.
 - If you are a farmer's market stand, in the right menu select 'Farmers Market'. You will find links to the 'Application Packet-Farmer Markets'.

- All other *retail locations* should select “Retail Food Facilities and Restaurants” in the right menu. You will find on this page forms- ‘Application Packet- Retail Food Facilities & Restaurants’. Fill out and submit your paperwork to the appropriate Regional Office as listed on the Cover Letter.
- *For Wine Producers*: Visit our web site at www.agriculture.pa.gov/eatsafe. Next select, ‘Manufacturing, Processing, Distribution, Warehousing, Wholesale’. Under Forms, you will find the ‘Application Packet- Food Establishment Registration’. Fill our and submit your paperwork to the appropriate Regional Office as listed on the Cover Letter.
- What are the costs of becoming a registered vendor at a farmers’ market?
 - Please see above information under Licensing and Registration
 - All fees can be found on the Application Packets.
- Why are sinks required at each vendor station under the Law even though winery vendors are exempt? Is wine considered food under the Law?
 - A food by definition is “an article used for food or drink by humans, including chewing gum and articles used for components of any article.” Therefore, wine is a food.
 - Winery vendors who are only selling the *pre-packaged wine* and are *not* opening bottles for sale or sampling at the Market or any other satellite location would not require handwashing sinks. If the winery vendor decides to open the bottles and give out samples or pour glasses of wine, food handling is now occurring and handwashing must be easily accessible.
 - Any vendor at a Farmers Market or any retail satellite location who is handling food in any manner would need to have handwashing. Only pre-packaged non-potentially hazardous food vendors would be exempt from needing a handwashing sink and may use moist hand towelettes.
 - Handwashing may not be a bathroom sink.
 - Handwashing must be convenient and accessible at all times to the stand or retail sale/service area. In some situations, as approved by the Sanitarian, vendors sharing a hand sink may be approved.
- Please explain how a winery that is selling pre-packaged non-potentially hazardous foods (un-opened bottles of wine) must also have a sink if they are providing samples of wine?
 - Once any food, including wine, is opened it is subject to contamination. Hands are the number one source for contamination of foods and the spread of foodborne illness, especially viruses. That being known, if food is open and exposed, hands must be washed appropriately and often to avoid any hand to food contamination.
- Must you obtain a special license to participate in farmers’ markets in addition to the primary location license?
 - Yes, every retail facility you have, whether at a Farmers Market or another retail satellite location, needs to be under inspection. Whether or not you

pay a license fee is dependent upon what you are doing; how and what you are selling within that stand.

- In what instances are wipes and hand gel sufficient if at all?
 - Only when all food is pre-packaged and non-potentially hazardous (which unopened wine is). In those cases only, towlettes are acceptable.

- How much can I expect to pay for a sink setup? What will be required at my sink setup?
 - From making one yourself at very little cost to hundreds of dollars. Nothing elaborate is needed. If you google search “temporary handwashing sinks” you will get a bundle of websites to search. Fundamentally, there must be a secure potable water holding tank/vessel, warm running water through (one that is not push button but runs freely), a basin/sink base to catch the water and a waste water collection tank/container to collect the waste water, soap, paper towels and a sign reminding employees to wash their hands.

- What if I cannot afford a sink?
 - Some form of a low cost handwashing sink must be provided if you want to open and handle food (i.e. wine). If a sink cannot be provided then the product must not be opened and food handling may not occur.

- Do you have a contact or resource number if I have question about my retail facility or farmers market stand?
 - Retail Food Program Specialist via phone at 717-787-4315 or email at ra-foodsafety@pa.gov.