



## COVID-19 Mitigation Enforcement Guidance

Effective immediately, with enforcement beginning April 19, 2020, at 8:00 pm, life-sustaining businesses in the Commonwealth that remain open must adhere to the Order of the Secretary of the Pennsylvania Department of Health Directing Public Health Safety Measures for Businesses Permitted to Maintain In-person Operations. Under this order and the Order of the Secretary Directing Building Safety Measures which was effective 12:01 am on April 6, 2020, actions must be taken by employers and their employees to protect the health and safety of themselves and the customers who depend on their services.

In order to protect the spread of COVID-19 throughout the Commonwealth, a business that continues in-person operations, must implement the following social distancing, mitigation, and cleaning protocols:

### ENFORCEMENT

The Order specifies that this temporary emergency requirement will be enforceable through various state agencies to include the Department of Agriculture. Food Facilities who fail to adhere may result in: (1) the suspension or revocation of any license, registration, permit or certification issued by the Department or other licensor; (2) citations, fines or other enforcement action by the Pennsylvania Department of Health; (3) license actions, fines and penalties by the Pennsylvania State Police or local Law Enforcement Officials; (4) other sanctions authorized under the Governor's authority to deal with the current emergency. If enforcement action is taken against a facility who fails to comply with the Secretary's Order, the facility may then lose the right to disaster relief assistance related to COVID-19.

PDA will enforce the Orders of the Secretary of Health against facilities with active Retail Food Facility Licenses, Food Establishment Registrations and Milk Permits with the Department and that continue in-person operations.

### COMPLAINTS

Consumer complaints specifically related to mitigation efforts should be directed to the Chief of Food Safety - Field Operations who will verify complaint status against the DOH Confirmed Positive Clusters of COVID-19 cases in food facilities. If the facility is on the list of confirmed COVID-19 identified by the DOH, the Program Specialists specifically tasked with handling correspondence will follow up the impacted facility.

If the facility has **NOT** previously been contacted by the Department on COVID-19 Mitigation Strategies the following steps should be followed:

1. Call the facility and provide guidance as indicated:
  - a. Alert the facility PIC a complaint has been reported to our Department. If action is not taken to address the concern, this matter may be brought to the attention of both the Secretaries of Health and Agriculture; A conversation is in order before proceeding toward enforcement action.



- b. Utilizing sick / ill employees is violation of GMP's and the April 15, 2020 *Order of the Secretary of the Pennsylvania Department of Health Directing Public Health Safety Measures for Businesses Permitted to Maintain In-person Operations*
  - c. Despite designation as an essential business during the COVID-19 Public Health Emergency, the operation cannot be "business as usual".
2. Next, obtain contact email for PIC and send a copy of the provided **COVID-19 Mitigation Email Correspondence** for the operator to reference and enforce within the facility.
- a. Provide a Copy of the Executive order dated April 15, 2020 *Order of the Secretary of the Pennsylvania Department of Health Directing Public Health Safety Measures for Businesses Permitted to Maintain In-person Operations*.

All other consumer complaints received MUST be entered in PA Food Safety (PAFS) following SOP INS.317 Consumer Complaints. Any consumer complaint received for a Local Health Department will be forwarded to the appropriate jurisdiction by PDA's Program Specialist Liaison.

#### **EMERGENCY FIELD RESPONSE**

Communication as to field inspections will be determined by Bureau Management. If an onsite visit is **warranted or requested**, an **Emergency Response** inspection should be scheduled. All COVID-19 Mitigation field investigation inspections should be completed by **two field staff**. This should include the assigned inspector for that food facility and the supervisor, or an inspector as assigned by the field supervisor.

Emergency Response inspections should be scheduled at least **one business day in advance** with the facility. The inspector is to inform the facility they will be focusing on mitigation strategies for COVID-19 including enforcement of social distancing, mitigation and cleaning protocols as ordered by the Secretary of Health.

Refer to the Secretary of Health's Executive order issued on April 15, 2020 *Order of the Secretary of the Pennsylvania Department of Health Directing Public Health Safety Measures for Businesses Permitted to Maintain In-person Operations* as talking points with the PIC and provide a copy of the Order.

Conduct a walkthrough of the facility to observe implementation of mitigation protocols. Focus during the inspection should not be limited to only the specific measures outlined in the April 15<sup>th</sup> Order, but should include any potential measures the Inspector, in their professional judgement, believes could be taken to enhance social distancing, mitigation and cleaning protocols.

#### **INSPECTION REPORT / DOCUMENTATION**

Once the inspection has been completed, thoroughly document, in a separate Word document, your observations on what the facility is or is not doing to mitigate COVID-19. You must save the document as a PDF titled "**\*Facility Name Covid-19 Response**" and attach the document to the inspection report.

If the facility is in PAFS, add the following PDC in Published Comments:

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COVID-19 Mitigation Emergency Response Inspection conducted to review the facility's compliance with the April 15<sup>th</sup>, 2020 *Order of the Secretary of the Pennsylvania Department of Health Directing Public Health Safety Measures for Businesses Permitted to Maintain In-person Operations*. A copy of this order was provided to the facility.

Provide a copy of inspection report and the PDF document of observations to the facility.

For facilities not in PA Food Safety, complete a word document only and save as a PDF. Save the PDF Document as “\* Facility Name Covid-19 Response”. Provide a copy of the summary document to facility and attach a copy in PA Food Safety under the appropriate regional facility.

*\*This document can be provided the next business day and does not need provided before leaving the facility. Inspectors should work together with their supervisor to make sure the observations are thoroughly and professionally documented before sending to the facility as a PDF document and attaching in PAFoodSafety. Keep in mind the attached PDF document is a public document and will be subject to RIGHT TO KNOW LAW. Keep observations factual, non-emotional, and detail driven. Examples of COVID-19 Mitigation Observation Reports are provided on the Inspector Resource Library COVID-19 folder.*

#### **PERSONAL PROTECTIVE EQUIPMENT (PPE)**

All routine inspections require the inspector to wear at minimum, a cloth mask. If inspectors choose to wear a N95 mask, they may do so, but will be expected to follow the Mask Guidance issued previously regarding re-use of the N95 masks.

COVID-19 Mitigation Emergency Response Inspections will be determined and communicated to the field supervisor and inspectors by Bureau Management in consultation with the PA Department of Health when the assignment is given.

In the event you are required to perform an inspection or investigation where there is a known COVID-19 **outbreak** (as determined by PA DOH) in a food facility, you must wear appropriate PPE including a properly worn **N-95 mask and gloves**. All PPE should then be **disposed** of after these inspections and not reused, including the N95 mask.

The video link below provides visual display for the proper use of donning and doffing PPE.

CDC Sequence for Donning and Doffing PPE

<https://www.youtube.com/watch?v=1xy00pLT9M4&feature=youtu.be>

All Supervisors will be responsible for distributing PPE on an as needed basis to field staff.

*\*At this time Tyvek suits and face shields are not considered required PPE for BFSLS Field staff. Eye coverings are currently only required for front line emergency medical workers. If Field staff wish to wear the safety goggles or Tyvek suits supplied within their emergency kits, they may exercise that option.*

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