

PROJECT PLAN OUTLINE

Title 3, Chapter 57 – Food Safety Law Title 3, Chapter 65, Food Employee Certification Act Implementation Plan

PROJECT CHIEF: Bureau of Food Safety & Laboratory Services

PROJECT STAFF: Bureau of Food Safety & Laboratory Services, Division of Food Safety Staff

MISSION STATEMENT

To implement the new Title 3, Chapter 57 – Food Protection Law and amended Title 3, Chapter 65 Food Employee Certification Act. Chapter 57 and Chapter 65 compose a comprehensive set of statutes for the Commonwealth in relation to food safety at the retail and wholesale level and requires food safety training for certain food employees.

HISTORY

Chapter 57 – Food Protection is composed of two Subchapters: Subchapter A – Retail Food Facility Safety, and Subchapter B – Food Safety. Chapter 57 is a comprehensive overhaul of the Commonwealth's previous Act 369 of 1945, Public Eating and Drinking Places and Act 70 of 1994, Food Act.

Chapter 57 draws reasonable and clear lines between retail food facilities and their licensing authorities and regulation and wholesale food establishments registered and regulated by the PA Department of Agriculture. Previous statutes created a fractured statutory system between local, county and state jurisdictions and confusion in determining which facilities were public eating and drinking places under local or county authority, and which facilities were retail food establishments under state authority. Chapter 57 creating a single law for retail food facilities in Subchapter A and a single law for wholesale food establishments in Subchapter B, and is a consistent approach nationally and conforms to current food safety scientific knowledge in regulating retail versus food processing.

Many other provisions in Chapter 57 are a direct result of the findings of an Auditor General report on the Department and its administration of the Public Eating & Drinking Places Act in November, 2005. Revisions include License periods based on risk categories, specific authority for adopting Federal Model Food Code regulations, authority to require local / county health reporting of inspections results, using reinspection fees as a compliance tool, and authority to impose civil penalties.

Chapter 65 was originally passed into Law in 1999 and required all food establishments to have one supervisory employee hold a valid PA Department of Agriculture certificate, with an effective date of July 1, 2003. The Law was amended several times between passage and final implementation including the addition of exemptions for non-profits, and free training programs to be provided by PDA for non-profits. With passage of HB174, Chapter 65 will be amended to require one Person in Charge to hold a valid 'National' Certificate, therefore. PDA will no longer charge a fee and issue a PA Department of Agriculture certificate. "National" food safety certificates are nationally ANSI-CFP accredited programs and recognized throughout the US as valid examination programs for food employees. The Law will require food facilities to post the 'national' certificates of the certified person in charge for public viewing.

GOALS & OBJECTIVES

1. Develop a communication plan for all affected parties.
2. Develop a communication plan for the media and public outreach to communicate positive messages and the resulting changes to food safety.
3. Develop a training program including appropriate food safety materials and effectively implement statewide training opportunities for affected parties identified above.
4. Identify and implement appropriate changes to PA Food Safety program for inspections and licensing.
5. Promulgate / Amend Chapter 46, Food Code regulations to incorporate all changes as written in HB174. Publish Secretary's Order in the PA Bulletin regarding exemptions to HB174.

STATUTES & REGULATIONS

HB174 – (Act ??? of 2010) – Title 3, Chapter 57 - Food Protection
Subchapter A – Retail Food Facility Safety Act
Subchapter B – Food Safety Act
Title 3, Chapter 65 – Food Employee Certification
7 PA Code, Chapter 46 – Food Code Regulations

IMPACT STATEMENT

HB174 is a wide reaching change to Food Safety Law in PA and will affect all Commonwealth food safety regulatory bodies and all Commonwealth food facilities. County and local health department will now have licensing and inspection jurisdiction over all retail food facilities within their jurisdictions. Some Facilities

regulated by the Department will now be regulated at a county or local level, and a small portion of facilities regulated by the Department will have increased fees. County and local health departments will be mandated to provide inspection reports of all retail food facilities to the Department of Agriculture within 30 days of inspection. HB174 will require the Department to modify the PA Food Safety electronic inspection system to conform with statutory changes. The Department will be required to promulgate or amend Chapter 46 Food Code regulations to implement many of the HB174 statutory changes. Changes to Chapter 65 Food Employee Certification include eliminating compliance for wholesale establishments under Chapter 57, Subchapter B, and elimination of Department fees for industry to obtain certificates from the Department.

KEY FACTORS AND CRITICAL INFORMATION

1. Timely development of communication plans for indentified parties affected.
 - Food Safety Staff
 - PA Health Department
 - Act 315 Health Departments
 - Local Health Departments using Department inspection program
 - Local Health Departments not currently using Department inspection program
 - All retail food facilities (HB174 changes including FEC requirements)
 - Retail Food Facilities changing from Department to local jurisdiction
 - Retail Food Facilities whose Department licensing fees will increase
 - Organized Camps
 - Current Food Employee Certification providers
 - Current Food Employee Certified individuals
 - Department of Education, Department of Public Welfare, Department of Environmental Protection (if affected and upon promulgating regulations)
2. Timely communication public outreach plan.
 - Speaking points for management
 - Media messages for Public
 - Industry / Association Outreach (PA Food Merchants, PA Restaurant Association, Showman's Association, School Food Director's, and others)
 - Academia interested in Food Safety (Penn State, Delaware Valley, St Joseph's)
3. Timely training of affected regulatory authorities.
 - Food Safety Staff
 - PA Health Department
 - Act 315 Health Departments
 - Local Health Departments

4. Timely modification of PA Food Safety inspection and licensing program to incorporate statutory changes
5. Review and timely promulgation of revisions to Chapter 46 Food Code regulations (including repeal of Chapter 76 Food Employee Certification regulations and incorporation into Chapter 46) to conform with mandates of HB174.
 - Utilize a two tier approach
 - Promulgate regulations immediately adopting FDA Food Code and risk-based categories (and other identified issues)
 - Longer term amend adopted regulations to incorporate administrative, (reinspection criteria) enforcement (civil penalty), and other more time-consuming and/or contentious issues.
 - Incorporate and outreach with all regulatory and industry partners in the process prior to official promulgation protocol.

PUBLIC OUTREACH

- Press releases / Publicity to inform the public at large of positive changes to food safety.
- Messaging and information fact sheets for affected food facilities to be mass mailed and/or distributed by Food Safety Sanitarians.
- Program applications, regulations, general program information will be updated and posted on the PDA / Food Safety website.
- Utilization of interested Industry and Academia mechanisms for public outreach, such as trade newsletters, web links, and other available methods.

RECOMMENDATION

This plan must be implemented. It is crucial to improving Commonwealth public health risks attributed to foods and for the smooth implementation of the statutory changes in HB174. Communicating with and educating all facets of the affected regulatory, business, academia and public communities, will result in quicker, seamless implementation of the changes to the Commonwealth food safety program and foster a sense of ownership for improving food safety and the public health for the Commonwealth public.