

# Pennsylvania Food Regulation Overview

## OVERALL UNIVERSE

- UNDER ACT 315: 6 COUNTIES and 4 CITIES

### County contact Information:

**Bucks:** *Dennis Bauer* ([djbauer@co.bucks.pa.us](mailto:djbauer@co.bucks.pa.us)); 215-949-5805

**Chester:** *Joe Arvay* ([jarvay@chesco.org](mailto:jarvay@chesco.org)) or *Andy Worth* ([aworth@chesco.org](mailto:aworth@chesco.org)); 610-344-6238

**Philadelphia:** *George Zameska* ([george.zameska@phila.gov](mailto:george.zameska@phila.gov)); 215-685-7497

**Erie:** *Karen Tobin* ([ktobin@echd.org](mailto:ktobin@echd.org)) or *Joe Vogel* ([jvogel@echd.org](mailto:jvogel@echd.org)); 814-451-6750

**Montgomery:** *Kevin Smith* ([ksmith3@mail.montcopa.org](mailto:ksmith3@mail.montcopa.org)); 610-278-5117

**Allegheny:** *Glenda Christy* ([gchristy@achd.net](mailto:gchristy@achd.net)); 412-578-8044

### City Contact Information:

**Wilkes Barre:** *Ed Pesotski* or *Henry Radulski* - 570-208-4269

**York:** *Russell Dorm* ([rdorm@yorkcity.org](mailto:rdorm@yorkcity.org)) or *Dr. David Hawk* ([dhawk@yorkcity.org](mailto:dhawk@yorkcity.org)); 717-849-2341

**Allentown:** *Gary Ritter* ([ritterg@allentowncity.org](mailto:ritterg@allentowncity.org)); 610-437-7599

**Bethlehem:** *Jessica Klotz* ([klotzj1@juno.com](mailto:klotzj1@juno.com)) or *Harvey Joseph* ([bhbehd@juno.com](mailto:bhbehd@juno.com)); 610-865-7083

- UNDER ACT 369 - APPROXIMATELY 230 LOCALITIES

- REMAINING LOCALITIES (of the approximate 2,500 in the state) – governed by the Pa. Department of Agriculture

## GOVERNANCE

### ENTITIES THAT FALL UNDER ACT 315:

- Are governed by the Local Health Administration Law, 16 P.S. 12001-12028;
- Have their own health department;
- Can legislate anything health related;
- Have some reporting requirements to the state;
- Comprise a group that meets twice a year;
- Cover store inspections and restaurant inspections; and
- Must use the state code as a minimum, but may make their rules more stringent.  
(*i.e. Adding requirements about plumbing and sinks into their local building codes because the new Pa. Food Code no longer regulates those areas.*)

### ENTITIES THAT FALL UNDER ACT 369:

- Are governed by the Public Eating and Drinking Place Law, 35 PS 641-655;

- Inspect stores that serve prepared foods and that are licensed as Public Eating and Drinking Places;
- Cities, boroughs, etc. under Act 369 are allowed to issue licenses and inspect;
- Fall under a law which applies to local health officials;
- At minimum must follow state standards. Can create own more stringent standards; and
- Fall under the precedential case Western PA Restaurant Assn v. City of Pittsburgh, 77 A2d 616.

#### **ENTITIES THAT FALL UNDER ACT 70:**

- Are governed by the Food Act 31 PS 20.1-20.18;
- Inspect stores that do *not* serve any prepared foods and are licensed only as “food stores” (*not* also licensed as public eating and drinking places);
- Covers retail food store inspections; and
- The state has primacy (preempts) over counties and local governments falling under Act 70.

## **DISCUSSION**

All local and county health departments have to adopt the food code as their minimum requirements. Theoretically, all 230 departments across the state could develop more stringent rules for those establishments that hold an eating and drinking establishment permit - typically restaurants, but more and more, today supermarkets hold them as well because they serve take out food products.

Since grocery and convenience stores often hold BOTH the Food Store License (Act 70) and the Public Eating and Drinking Place License (Act 369), gray areas generate questions and problems. Those that do not fall under an eating and drinking permit - because they are not serving up any type of food - can simply follow the bare bones State Food Code as they are only regulated by Act 70 and the Dept. of Agriculture.

The Act 369 entities never get together for a meeting and the Department of Agriculture has NO oversight of these entities. Each entity is governed by a different set of rules based on their local code. Therefore, it is possible that their local code does not require that they publish information before changing codes or offer public comment periods. Currently, localities may place more stringent requirements in local building and other local codes if they are not in the state Food Code (i.e. sinks, bathrooms, fire requirements, etc.)

Act 315 county health departments serve in a much wider capacity than the Dept of Agriculture does for the rest of the state. The county health departments oversee and regulate in the same capacity as the state Department of Environmental Protection and Health and Agriculture departments all rolled into one. Some will definitely draft their own more stringent regulations - especially in light of them overseeing water and plumbing issues. The Dept. of Agriculture does not oversee those items in other parts of the state, which lack their own health dept.

*This topic has nothing to do with food safety certification regulation and the grandfathering of local and county health departments which can run their own food safety certification programs.*