

**CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC HEALTH  
MEETING OF THE BOARD OF HEALTH  
Thursday, February 9, 2012**

A meeting of the Philadelphia Board of Health was held on Thursday, February 9, 2012, in the Municipal Services Building, 1401 J.F.K. Boulevard, 16th Floor, Room Y.

**Board Members Present:** Jose A. Benitez, MSW; Marla J. Gold, MD; Shannon P. Marquez, MEng, PhD; Scott McNeal, DO; Donald F. Schwarz, MD, MPH; Robert G. Sharrar, MD, MSc; Susan Schewel, NP, PhD; Yolanda A. Slaughter, DDS, MPH

**Attendees:** Attendees: Nick Aaron; Timothy Adams; Matt Allison; Jane Baker; Deborah Barbien; Jay Barbieri; Brianna Barkon; Carolyn Beeler; Erika Bell; John Bennett; Suzanne Biemiller; Ivan Boothe; Kathleen Brady, MD; Kurt Brennan; Mark Brosque; Diana Brown; Roberta Cancellier; Beth Cantz; Elisha Coffey; Edd Conboy; Jared Crosmen; Sophie DiFilippo; Amy DiFilippo; Liz Eisenstein; Nan Feyler; Terez Giuliana Gehret; Josh Godsell; Erica Goldberg; Bryan Graves; Sandra Greene; J. Greer; Sam Gulino; Eric Hamell; Robert Hayes; B. Hoppe; Tim Horras; Rachel Hosan; Matt Hurst; Alex Irwin; Jeremiah Johnson; Matt Joye; Joe Kalil; Wallace Kemp; John Kim; C. Klatcher-Santiago; Timothy Klye; Rachel Koppenhaver; Kristina L.; Eric Lavalley; Shari Lewis; Sam Little; Maryanne Mahoney; Giridhar Mallya, MD; Thomas Matyjaszek; Jason Mercato; L. Michaels; Skye Miller; Jeff Moran; L. Mueller; Palak Raval-Nelson, Phd, MPH; Sally O'Brien; Kate O.; Dennis Payne; Niko Rayer; Michael Resnick; Luis Rivera; Jerome S.; Katherine Salinger; Donald Sapatkin; Soha Sauyeo; M. Scotko; John Serichy; Judah Sherwin; E. Smith; Elaine Strunk; Andy Switzer; Michael Talb; Lauren Talarico; Coleman Terrell; Kevin Vaughan; Kayla Wandishin; Dave Wasson; Clifford Williams; Danette Williams; Ron Whyte

## **WELCOME AND INTRODUCTIONS**

Board President Donald F. Schwarz, Health Commissioner, welcomed the Board and guests calling the meeting to order at 5:40 PM.

Because of the large number of guests in attendance, Dr. Schwarz began the meeting with an outline of the process through which the Board of Health promulgates a new regulation.

The Board of Health reviews the draft regulation.

The Department of Public Health presents the Board with background information related to the regulation.

The Board considers the proposed regulation and votes upon its adoption.

Should the Board approve the draft regulation, its adoption initiates a 30-day period for public comment, commencing when the Department of Records receives the text of the regulation from the Department of Public Health for public posting and advertisement.

During 30-day public comment period, written comment can be submitted to the Department by mail or email. Those commenting may request that a hearing be held.

At the conclusion of the comment period, the Board will consider the input provided by the public and will convene a public hearing if one is requested. The President of the Board is required to attend and will preside over any public hearing. Public comment or a public hearing may result in additional changes or amendments to the regulation before it goes into effect

Dr. Schwarz urged those in attendance to provide contact information on the sign-in sheet so that they can be notified should a hearing be held.

He said that in view of the strong interest of those attending the meeting in the second of two regulations under consideration at this meeting, the meeting itself would also be opened for the purpose of receiving public comment. Speakers must confine their remarks to three minutes, to be followed by any questions from the members of the Board.

The Commissioner entertained a motion to approve the minutes of the meeting of January 12, 2012, as submitted. It was moved and seconded. **Motion passed.**

#### **CHANGES IN HIV REPORTING**

Dr. Schwarz introduced Dr. Kathleen Brady, Epidemiologist for the Department of Public Health, AIDS Activities Coordinating Office, to present **AMENDMENTS TO REGULATIONS GOVERNING THE CONTROL OF COMMUNICABLE AND NONCOMMUNICABLE DISEASES AND CONDITIONS** (Attachment A). Dr. Brady delivered remarks in support of the regulatory changes (Attachment B).

In response to questions from the Board, Dr. Brady reported an estimated 4.9 percent rate for new infection rate, in 2009, but indicated that the local number cannot be compared with national figures because most jurisdictions have not released or not collected sufficient data. She said that should more cases be detected, the system has capacity to provide care. Jane Baker, Director of the AIDS Activities Coordinating Office, said that resources also exist to provide partner services.

Dr. Brady noted that the Health Commissioner might grant hospitals exemptions from the regulations for special purposes.

Mr. Benitez asked how the regulatory changes might complicate the process for someone in a hospital who wanted to opt out of HIV testing. ACCO staff responded that it would not.

The adoption of the regulation was moved. The Motion was seconded. **Motion passed.**

## **FOOD SAFETY AND PUBLIC FEEDING**

Dr. Schwarz introduced Director of Environmental Health Services Palak Raval-Nelson, Phd, MPH, to present the proposed **REGULATION OF THE BOARD OF HEALTH CONCERNING OUTDOOR FEEDING** (Attachment C).

Dr. Raval-Nelson read the proposed regulation to the Board and offered a summary. She said that everyone, regardless of the ability to pay, should have access to safe healthy food. She said that following discussions with those who distribute food, the department has devised a streamlined one-page application form (Attachment D), and has developed a four-hour food-safety training program for those who are serving meals. Organizations could arrange for a “train the trainer” program that would enable them to train their own additional staff.

Dr. Raval-Nelson said that under the regulation a person who operates a program that feeds 50 people a week would need to:

- Fill out the application

- Discuss any questions with the City’s Food Protection Program

- On approval of the application, complete a four-hour food-safety training course

  - Maintain the presence of at least one in trained individual onsite during preparation and delivery of meals.

- Ensure that appropriate provisions are made for hand washing.

Dr. McNeal discussed the concern that changes in both location and menu items might make it difficult to complete an application in advance. Dr. Raval-Nelson said that a general list of potential menu items and a calendar of sites could meet these requirements. The application can be amended to reflect this.

Dr. Schwarz said that the department’s objective is to be able to find people to ensure that the activity is taking place safely. The regulation does not set forth penalties. The goal is not to shut people down, but to educate. The department plans to offer training when requested whether or not the regulation is passed.

It will take an estimated 10-days to process an application. The Food Protection Unit currently inspects more than 12,000 establishments. The number of feeding programs affected by the new regulation is expected to be small.

Dr. Marquez asked if the regulation would require that food be prepared in a commercial grade kitchen. Dr. Raval-Nelson indicated that the regulation would enable the department to evaluate the facility on a case-by-case basis dependant upon the scope of the operation. Dr. Marquez noted that in addition to completing the application and food safety training applicants would also need to identify an appropriate kitchen facility to support the preparation on menu items. Dr. Raval-Nelson said that most programs already use a suitably equipped kitchen.

Mr. Benitez asked if the department has seen illnesses as a result of public feeding. Illnesses would not be known to the department unless individuals presented at a hospital.

It was moved that the proposed regulation be forwarded to the Department of Records for posting. Motion seconded.

Dr. Sharrar asked for clarification that a vote this evening opens a period of public comment on the regulation and that the regulation comes back to the Board for modification and approval. Dr. Schwarz confirmed that it is the case.

Dr. Gold asked how the public could be assured that food that has been available will not become unavailable because of the new regulations. Dr. Schwarz said that the health department has worked hard to limit barriers, and reduce the burden of regulations that are required of commercial providers, in order to establish manageable regulations that identify places where training and inspection can guarantee a higher level of safety in the food available.

Dr. McNeal stated that he has seconded the motion in order to further public discussion and promote public collaboration.

Dr. Marquez proposed that in addition to the application a statement of intent might be useful to the community. She also pointed out a technical problem with the application requiring applicants to list an approved kitchen facility at the initial stage of the process.

Dr. Schewel asked how the regulation might affect a group like Occupy Philadelphia. Dr. Schwarz said that it would require that someone in the group be certified as trained food safety. The organization would then be able to train additional individuals using materials provided by the department. They would need to identify a place where food is being prepared that could be inspected to ensure that it is adequate for preparation and storage of the menu items being served.

Mr. Benitez asked if an application could be denied based on the location where people wanted to distribute food. Dr. Schwarz said that listing allocation is required so that the department can find the program to inspect. This is not stated, but could be made explicit in a statement of intent.

Dr. Schwarz reiterated the steps in the regulatory process as outlined at the beginning of the meeting.

A vote on the motion was called. Motion passed. [5 affirmative votes, 1 opposed, 2 abstentions]

The meeting was opened for public comment to the Board on the REGULATION OF THE BOARD OF HEALTH CONCERNING OUTDOOR FEEDING.

Dr. Schwarz asked those in attendance to send additional written comment to the Board. No written comment was submitted to the Board at the meeting. He adjourned the meeting at 8:10 PM.