# Report of the Board of Health on the Hearing on Proposed Outdoor Feeding Regulations

Pursuant to Section 8-407 of the Home Rule Charter, the Board of Health filed proposed Outdoor Feeding regulations with the Department of Records on February 13, 2012, a public hearing on those regulations was held on March 15, 2012, and the Board now submits this Report on the hearing and modifications of the proposed regulations. We received approximately 127 written comments on the proposed regulations, and approximately 73 speakers testified either at the public hearing or at the February 9 meeting of the Board. The following summarizes the written and oral comments we received and provides the Board's response. Thereafter, we attach, as Exhibit A, modified regulations based on the comments we received; these modified regulations will become effective ten days after filing with the Department of Records.

## Why regulate food safety for public serving of food?

COMMENT: Why is the City doing this now?

RESPONSE: The City became aware of the lack of public health regulations about food safety for food provided for free in outdoor settings more than 6 months ago. During the past 6 months, we have tried to clarify the current regulatory environment and to think about how best to move forward with regulations that help protect the public while not overburdening those who are providing food to the hungry. We believe that there will never be a "good time" for proposing new regulation. We have now gone through the Charter-prescribed regulatory process and believe that with the amendments proposed by the Department we can regulate food safety without an undue burden on those who wish to provide food to the hungry.

COMMENT: Food safety regulation is addressing a problem that has not happened and has never been a problem.

COMMENT: Why regulate since there have been no food-borne illnesses recorded?

COMMENT: Why add red tape when this is not a problem?

COMMENT: The food which is provided is safe because it is based on caring and love and helping people. Regulation is only needed where there is a profit motive because they will cut corners to make money.

COMMENT: Curious to know how many food-borne illnesses have occurred because of eating publicly-fed food compared to restaurants or supermarkets.

RESPONSE: We have not had any food-borne outbreaks traced to food that was provided through Outdoor Public Serving of Food. We have very few food-borne outbreaks reported to the Department of Public Health annually. Food-borne illness is commonly underreported. However, the intention of this regulation is preventive and intended to be protective.

We do know that each year in the U.S., 1 in 6 people, or about 28 million people, gets sick from food poisoning. Most of them will recover without any lasting effects from their illness. For some, however, the effects can be devastating and even deadly. Serious long-term effects associated with several common types of food poisoning include kidney failure, chronic arthritis, brain and nerve damage and death. While anyone can get sick from eating contaminated food, some people are at greater risk of a more serious illness or dying should they get a food-borne illness. Some people may become ill after ingesting only a few harmful bacteria; others may remain symptom free after ingesting thousands.

Those at greater risk of serious illness are:

- infants, and young children;
- pregnant women and their unborn babies;
- older adults; and
- people with weakened immune systems such as those with HIV/AIDS, cancer, diabetes, kidney disease, and transplant patients.

There are many City regulations that are preventive in nature. The best example is the current food inspection regulation governing restaurants and commercial kitchens. Most restaurants in the city have never had a reported case of food poisoning. They follow the rules established in the regulation and are regularly inspected. Deficiencies are pointed out and corrected. This process doesn't require a food-borne illness to justify its existence, nor would it be sound public health policy to wait for someone to become sick to act.

COMMENT: Where is the peer reviewed scientific article about this health problem – that's what Board of Health should have used

RESPONSE: There is no article on food-borne illness to those who are homeless or hungry who are provided free food in public. However, the literature on food-borne illness includes two observations that are relevant to the issues before the Board:

1) It is clear that homeless persons are much more susceptible to food-borne illness because of malnutrition, high rates of alcoholism, and high rates of other chronic illnesses like diabetes. Risk of food-borne infection is 18 times higher for those with alcoholism and 25 times higher for those with diabetes compared to healthy individuals.

Lund B et al. The Occurrence and Prevention of Foodborne Disease in Vulnerable People. Foodborne Pathogens and Disease (2011), 8(9): 961-973.
Strasser J et al. Nutrition and the Homeless Person. Journal of Community Health Nursing (1991), 8(2): 65-73.

2) The vast majority of food-borne outbreaks stem from multi-ingredient prepared foods, such as salads and sandwiches. Nearly 30% of cases are from an infected worker handling food that

is not prepared or stored at appropriate temperatures. 38% of cases involve bare-hand contact with foods.

Out of 816 outbreaks (in the U.S. and internationally) involving food workers/handlers/preparers, 30 outbreaks causing illness in 15,093 people occurred at community events or during mobile/temporary service. These account for 4% of all outbreaks and 19% of all cases.

For the Board's reference, relevant examples related to outdoor serving of food and/or home preparation include:
1998, Brazil, 4,000 cases, 2,000 hospitalized, 16 deaths:
8,000 people gathered in a community to celebrate a Catholic priest's ordination. After eating food provided, there were 4,000 acutely ill persons and 2,000 hospitalizations. Sixteen persons died. The food was prepared over 2 days and left at room temperature for 1 day.

1988, Michigan, 3,175 cases:
An outbreak of Shigella occurred among 563 staff responsible for setting up a festival. Because infected persons responded to treatment, the organizers proceeded with the festival. During the event, announcements alerted the participants of the risks of shigellosis, and bleach hand washing solutions were provided for disinfection near the toilets; however, few responded because the water looked dirty. 278 staff and 2,897 attendees were estimated to be ill. Fifty volunteers, many of whom lacked training in proper food handling techniques, prepared tofu salad. Some workers prepared food while they were ill and likely contaminated the salad ingredients. Refrigeration of large batches may not have been sufficient to prevent growth of Shigella. Large crowds made person-to-person spread particularly easy, many cases were secondary in nature.

Todd E et al. Outbreaks Where Food Workers Have Been Implicated In the Spread of Foodborne Disease. 2006 Food Safety Education Conference, Denver, Colorado, September 28, 2006. (http://www.fsis.usda.gov/PDF/Slides_092806_ETodd2.pdf)
Todd E et al. Outbreaks Where Food Workers Have Been Implicated in the Spread of Foodborne Disease. Part 2. Description of Outbreaks by Size, Severity, and Settings. Journal of Food Protection (2007), 70(8) 8: 1975–1993.

COMMENT: Why have standards when restaurants aren't inspected
I see food vendors in Center City every day serve without gloves so don't criticize people who feed homeless.

RESPONSE: The Department of Public Health educates and inspects more than 12,000 food establishments throughout the city. The purpose of regulation is to provide the food establishments with rules for good food handling practice and to provide the Department with a framework for permitting and inspection. The Department cannot be present every day at every food purveyor's establishment. As a result, we rely heavily on training and reporting of concerns by the public. The Department's website under the "Safety" section directs the public to the phone number to report a concern about food safety, 215-685-7495. We will use the same number to report concerns with Outdoor Servers.

COMMENT: Is this an attempt to shut down outdoor feeding?

RESPONSE: No.

COMMENT: The goal isn't really the health and safety of the hungry

RESPONSE: Yes, that is the goal. At the present time, there is no protection by the City for those who eat this food and no City authority to intervene should education or data collection be needed. There is a highly developed regulatory system to protect food which is sold to the public, and we believe it is dangerous public policy to permit food to be provided for free to individuals who may not be able to purchase it, without reasonable health and safety standards.

COMMENT: Since the City doesn't provide food why are they trying to stop others from feeding the hungry?

RESPONSE: This effort is about providing safer food, not about stopping the public serving of food outdoors to those who are hungry. Most groups who are providing food for the hungry already meet the kinds of requirements that the Board of Health is now proposing. Others have been approached and will welcome the opportunity for training and education. We have tried to make the process as simple as possible - there is not a fee for a permit and there is no charge for the Food Safety Classes which the Department has developed especially to address outdoor public serving of food. We will make the classes widely available using a "train the trainer" model that we have used effectively in other settings.

COMMENT: This will shut down groups providing food and the alternative will be people eating from trash.

RESPONSE: The Department wants neither to stop those who serve nor to discourage those who wish to provide food. Rather, with the revised regulations, we believe that we can achieve a system that provides free education to those who provide food, a framework for inspection, and a reasonable degree of protection for those who are hungry and eat this food.

COMMENT: Is the City taking this action now because of the opening of the Barnes Museum on the Parkway?

RESPONSE: The Department is not taking this action because of the Barnes Museum, nor is it focused only on the serving of food which occurs on the Benjamin Franklin Parkway. The regulation is intended to ensure the safety of food served for free outdoors to the public throughout the City.

While we did consider the public perception about this happening coincident with the Barnes opening in May, we ultimately decided that there would never be a "good time" to introduce the regulation, and the action to ensure the health and safety of food served in outdoor venues was overdue.

COMMENT: Why not just do this through a voluntary program?

RESPONSE: Voluntary programs are fine if those who are being asked to comply do in fact comply. In this case, while the Department expects most of those who serve to easily comply, some may resist any regulation and refuse training. This regulation gives the City more ability to ask those who are resistant to using safe techniques to comply. It also provides for public signage that a group serving food has complied with the permitting process. We hope that the display of a permit will help the hungry know which groups have complied with these regulations governing food safety, and the permit will give contact information for people to report episodes of food-borne illness, so that we can improve reporting, investigation, and ultimately the safety of the food provided.

## Process of Permitting

COMMENT: The requirements to obtain a permit for an Outdoor Feeding would be impossible for individuals or groups distributing free food to comply with, creating an undue burden on their right to express their political and religious beliefs.

RESPONSE: These regulations are generally and neutrally applicable to all groups who serve free food outdoors regardless their political or religious orientation. Thus, they are not discriminatory. Further, they serve our compelling interest in food safety. Even when religious or speech rights are at issue, we are permitted to impose regulations that serve this compelling interest. In any event, the regulations are not burdensome. We have listened carefully to the many that have provided public testimony, both written and verbal comments. We have discussed regulation with many groups and we are working to assist those who served food outdoors to the public in complying with the regulations. We have already begun to provide a 2-hour free food safety training course. We have simplified the permit application process and will not charge any fees for the permit. We believe that the amended regulations to be considered by the Board of Health are responsive to the public's concerns and do not create an undue burden.

COMMENT: The goal of ensuring that safe, healthy food is being served by churches and other charitable organizations to the hungry among us is laudable and necessary. We are concerned, however, that the proposed regulation as drafted is vague and overly burdensome, and thus could dramatically limit the ability of private citizens and charitable organizations to share food in a way that meets the needs of the growing number of hungry individuals and families in our community—needs that cannot otherwise be met.

RESPONSE: We appreciate the confirmation that ensuring safe, healthy food is necessary. We share the concern that regulation of this activity not be overly burdensome. Neither is there a desire for the regulation to be vague. We believe that the regulatory process followed has allowed the

Department to improve the regulation so that it is neither vague nor burdensome to well-meaning groups who are providing food for free to the hungry.

COMMENT: How quickly will the City process permits?

RESPONSE: Generally, we expect permits to be processed within 10 business days; in some cases it may take up to 3 weeks. We do not expect the number of permits to be so great that there will be an issue with the Department's capacity to process these permits.

COMMENT: How can we be sure that permits don't sit on a desk somewhere, preventing legal feeding to occur?

COMMENT: The regulation fails to address how quickly permits will be issued to groups.

RESPONSE: The Department is committed to identifying a person within the Food Protection Unit who will be available to help applicants comply with these new regulations, answer questions, and track applications. Because of the public sensitivity of this issue, the Department will maintain a public database with the name of the organization/individual applying for a permit, the date that the application is received by the Department, and the date that the permit is approved or disapproved (and a reason for the disapproval). In general, regulation doesn't specify a timeline for permitting.

COMMENT: How will the permit process and timeline be publicized?

RESPONSE: We hope that word of mouth and billeting of those who are serving food outdoors to the public will spread word of the process. Through the hearing and meeting process, we have developed a good list of groups and individuals to contact. In addition, the Department will put information for those wishing to apply for a permit and the required forms on its website. Materials can also be requested through email and phone and by contacting 311.

COMMENT: What is the feeder's recourse if a permit isn't approved?

COMMENT: The regulation fails to specify what, if any, appeal rights are available to individuals or groups denied a permit.

RESPONSE: As stated above, there will be a public record that the permit isn't approved and the reason for the disapproval. Reapplication is always allowed. We expect that in general we will be able to work with those who wish to provide food so that none are ultimately disapproved if they are willing to attend training and to follow basic safe food handling procedures emphasized in the training materials. Those who are consistently disapproved should feel free to contact the Board of Health for a hearing on their application, and ultimately can appeal any denial to the Board of License and Inspection Review.

COMMENT: Will fees be charged?

RESPONSE: There are no fees associated with this process.

COMMENT: What is the plan for enforcement?

RESPONSE: The Department's Food Protection Sanitarians will inspect outdoor food serving venues to ensure that organizations and individuals serving food have permits and are serving food safe for consumption. All permitted Outdoor Food servers will be inspected unannounced at least annually. Inspection is based on the rules that have been outlined in the regulation and the food safety course. If a server is found to be in violation of the regulation, the violations will be noted on the inspection report that is issued at the time of the inspection and a reinspection will be scheduled by the Health Department. At the time of the reinspection, it is expected that the server will be in compliance. If not, violations will be noted on the reinspection report, a copy of which is given to the server. If, after two inspections the server is still in violation, the server's permit will be suspended and a new permit application will need to be completed, along with attendance at a food safety training. After a second violation on a second permit, repeat violators will be subject to fines per the City Code.

If a server passes a reinspection after a violation, the Department may, at its discretion, return for another unannounced inspection at any time.

COMMENT: We are concerned with the administration of this regulation. The licensing and education processes have not been developed. Furthermore, we have received contradictory statements on the enforcement of the regulation, with Deputy Mayor Schwarz indicating at the February 9 meeting that there would be no punishment for groups without permits. Meanwhile, subsequent press has indicated a desire to issue fines for non-compliance.

COMMENT: What are the penalties for not complying?

RESPONSE: There are two issues implied in these comments: how we will work with those who are permitted and how we will work with those who serve food without a permit. We will address them separately.

The Department's inspectors will follow the same process used for other food regulation, which specifies that as long as food appears safe at the time of inspection, the Department's inspectors will not stop it from being served. However if food being served is unsafe for people to eat, for example if the food is at an unsafe temperature or is visibly contaminated, the Department will condemn or discard the food to ensure the safety of members of the public. We will instruct our inspectors, as we do for commercial operations, not to act on unsafe food until a unit supervisor has been contacted, has reviewed the situation, and has agreed with the decision of the inspector.

In any case of a permitted Outdoor Server who is found in violation of the regulation, the Department would issue an inspection report with violations listed and advise the individual or

organization providing the food how to comply with the regulation and serve safe food. An entity that refuses to cooperate or fails two inspections would likely have their permit revoked and the opportunity to continue serving denied and will need to reapply for a permit and take the Outdoor Food Safety training again. After a second violation on a second permit, repeat violators will be subject to fines per the City Code.

In the case of an Outdoor Server who provides food that appears safe, but is provided without a permit having been obtained, the inspectors will issue an inspection report citing the Server. If an Outdoor Server is cited twice for serving food without a permit, on the third citation, the violator is subject to fines per the City Code.

With each citation, the inspectors will provide the server with information on the regulation, the process for permitting, and access to an application for a permit.

COMMENT: How will the public know if "selective enforcement" is done?

RESPONSE: The Department already posts inspection reports for food establishments on its website. We will include the reports from those providing food outdoors to the public in order to assure a transparent and fairly implemented process.

COMMENT: What happens to feeding if the person who is food-safety certified is unexpectedly unavailable to serve the food at the last minute, for example, because she is sick.

RESPONSE: The training for food safety is intended for a broad audience, and those who are providing food outdoors are encouraged to have many of those who are providing food attend training. To make training accessible, we have targeted the training curriculum to Outdoor Public Service of Food. It will take about 2 hours. We have received positive feedback from Outdoor Servers who have already taken the training course. There will be no charge for the course. The Department will offer the course frequently and in different parts of the City so that it is convenient to Outdoor Servers.

In addition, the Department plans to train those who are interested in becoming trainers and will provide them with the curriculum material needed to conduct the training. Individuals who are Serve Safe certified also may conduct this training using the Department's Outdoor Food Safety curriculum. The trainers will provide the tests taken by those trained to the Department of Public Health for scoring. The Department will grade the tests and distribute training certificates to those who pass.

COMMENT: Occupy Philadelphia would not have been able to comply with this regulation, so what would have happened?

RESPONSE: It is our expectation that after working with the Department, Occupy would have been able to comply.

COMMENT: Regulations are too expensive to comply with.

RESPONSE: The only cost here is the time for training and the time for completing the permit application. We believe that these are worthwhile and minimal investments of time, helping to assure the safety of those who are being fed.

COMMENT: Will the City deny permits if the place or time of feeding is not approved of?

RESPONSE: The Department of Public Health will not deny permits based on the place or time of an outdoor serving of food to the public. There is neither intent nor language in the regulation to deny a permit because of the stated location or time of the outdoor serving. The information on the place and time of serving will be used to find the server in order to be able to inspect the food preparation and serving procedures followed. We will rely on the contact information provided on the permit application should the inspector be unable to find a server within an expected geographic area or within a time range specified. This means that permitted Outdoor Servers should alert the Department should contact information change.

## Specifics of the Regulation and the Permitting Requirements

Who is considered an outdoor server of food to the public?

COMMENT: The draft regulation says three or more so what about tailgating and sharing food? Will this regulation only be enforced against feeding the homeless?

COMMENT: It is unclear whose conduct the proposed regulation is aimed at controlling. The regulation defines "Outdoor Feeding" as "the distribution of any food free of charge to the public, in groups of three or more people, on any public highway, on any public sidewalk, or in any public place." As written, this regulation would apply to a youth group distributing sandwiches to homeless and hungry people on the sidewalk near their church. It would also apply to a teacher distributing snacks to students on a class trip on the sidewalk outside of Independence Hall or to the mothers and children who come out for one of the many "Mom's Groups" who advertise potluck picnics and play dates in parks across Philadelphia. Although the regulation expressly exempts recognized special events and "a time-limited promotional campaign by a commercial entity," it lack specificity about the extent to which it does or does not apply to the actions of the ordinary Philadelphians who gather on the sidewalks and in our parks every day in small groups sharing food with one another in the course of other activities.

COMMENT: We would like to point out that "Outdoor Feeding" is inadequately defined. It could conceivably encompass a family reunion or group of friends picnicking in public.

COMMENT: What happens with a family picnic?

RESPONSE: Central to the definition is the term "public." The definition limits coverage of the regulation to persons who are offering food outdoors "to members of the public." If you are serving or eating with a defined group of persons, then you are not offering food "to members of the public." The public is NOT members of a family or known members of an organized group, such as a classroom of children or a Girl Scout troop. We appreciate the issue of potluck picnics, and believe that the sharing of food among the participants, rather than the provision of food by one group to another makes this situation clear. A family picnic is not "public feeding or outdoor serving of food" as those who are eating are generally related to each other, and they are a known group who has a relationship beyond that of serving and eating outdoors. We chose to cover outdoor food serving of three or more members of the public in order to insure that even if you intend to serve food to a small group of members of the general public, you are taking the requisite food safety measures that we require of anyone else who serves members of the public, whether that serving is a commercial or a non-commercial activity.

Kitchens

COMMENT: Requiring individuals and groups, including students, churches, and synagogues, trying to distribute items such as sandwiches made with peanut butter and jelly to homeless and hungry people to obtain space and equipment equivalent to a commercial kitchen is not only overly burdensome, it gives the impression that the purpose of the regulation is not to regulate the activity but to prevent it altogether.

COMMENT: Section 2(d) requires compliance with Sections 46.501 to 46.731 of the Department's Regulations Governing Food Establishments as well as portable hand washing stations. This would essentially require a highly sophisticated commercial kitchen and expensive equipment. We, along with most other organizations serving the homeless in Philadelphia, are volunteer-based and do not have access to such facilities or equipment.

RESPONSE: The Department appreciates the many comments, illustrated above, about the burden on those providing Outdoor Service of Food to the hungry should commercial kitchens be required. We have considered what is needed at a minimum to provide safe food. We have a great deal of experience working with family day care providers to assure that children's food prepared in a home kitchen is safe. With this experience in mind and good food safety practice as our intention, we have amended the kitchen requirements in the regulation in order to be sensitive to the preparation of food in home kitchens. We are going to allow food to be prepared in non-commercial kitchens as long as those providing the food confirm that the facility where the food is prepared meets some basic food safety standards (for example hot and cold running water) and confirm their capacity to keep food at an appropriate temperature and ensure that food is served within 4 hours of preparation, as now outlined in the regulation. The food that is offered for consumption must be fully prepared within 4 hours prior to the transport and distribution of the food. Pre-preparation the night before, or days ahead of the time of serving the food, is not

allowable, due to the potential for growth of microorganisms which can lead to food-borne illness. In addition, the use of any "leftover food" is not permitted

It is possible to set up temporary hand washing stations at minimal cost. We will post information and photos on the Department's website and our staff is available to provide information and guidance about how to set up these temporary hand washing stations.

COMMENT: Would the feeder get a permit if the kitchen is not commercially licensed?

RESPONSE: The Department will not require commercial kitchens. Rather, we will look at the kinds of foods prepared and work with those serving food to get the kitchen where the food is prepared to be safe for the kinds of foods prepared and served. Of note, a number of churches and other groups serving food to the public for free have offered their kitchens to those who cannot find an adequate kitchen for food preparation.

COMMENT: Would the City give a permit if the kitchen is not certifiable?
We cook in home kitchens and distribute food weekly and want/need to continue.

RESPONSE: Yes. We would work with the applicant to assure that the food prepared can safely be managed in the kitchens available and would allow, through the server's own certification, the preparation of food in a home kitchen that meets the requirements below.

COMMENT: What would a certifiable kitchen need to look like?

RESPONSE: The issue of "certifiable" has been removed. We would expect that a kitchen would have equipment to support the safe preparation of the food provided. So, if the menu includes soup, there should be a working stove that is in good condition and adequate refrigeration to store food.

COMMENT: What is the process for getting a kitchen certified?

RESPONSE: Food that is served within four hours of preparation may be prepared in a kitchen in a private home or another facility that has not been inspected or approved for such purposes as long as the following apply:

i. The food that is offered for consumption must be prepared no more than four hours prior to service or distribution. Any food items which are pre-prepared more than four hours in advance, for example marinated foods, are not allowed due to the potential for growth of microorganisms which can lead to food-borne illness;
ii. Running hot and cold water in kitchen and bathrooms with soap and paper towels;
iii. Refrigeration/freezer unit maintaining maximum temperature of 41°F for the refrigerator and 0°F for the freezer;
iv. Vermin free home;
v. One-compartment kitchen sink;
vi. Open top container large enough for immersing food service articles for sanitization;
vii. Sanitizer (for example, chlorine bleach);

viii. Stove/oven/range in clean and good working condition for cooking;
ix. Stem thermometer to measure food temperature during cooking and transport;
x. Washable, insulated food containers for transportation of the food.

Menus

COMMENT: How can we know what menu we will serve up to a year ahead?

COMMENT: It is impossible to anticipate our menu because we rely on what is donated.

COMMENT: Predicting what fresh food items will be donated in advance is impossible.

COMMENT: Requiring groups to submit menu items on a permit application up to a year in advance would severely limit, if not entirely eliminate, their ability to provide food to those whom they serve.

COMMENT: What level of detail will be required on menu submissions?

RESPONSE: The Department appreciates the difficulty in complying with the information initially requested. We have looked at the minimum information needed for training and inspection and now will ask only for general categories of food (hot or cold) that will be served.

Location and Time of Outdoor Serving of Food

COMMENT: Although those distributing food may generally serve their food in the same location, any number of factors may exist that would require them to move locations over the course of the year for which the annual permit was obtained. More importantly, a group serving food to the hungry might need to move locations to best meet the needs of those whom they serve. A permit issued annually for a specific location would prohibit the group from making even minor adjustments to the time and location of their activities, severely limiting their ability to serve food to the hungry among us.

COMMENT: They might need to change the time of their food distribution for unforeseen reasons, such as a poor weather forecast.

COMMENT: What if we do not know if advance where we plan to provide food, given that we go where the hungry are?

RESPONSE: It is important to know the location of where food is distributed so that we can perform unannounced inspections to ensure food is being safely served. In addition, if there is a food-borne illness among individuals who participate in outdoor serving of free food to the public it will be extremely important to locate the organization that has distributed the food so others can be notified.

In our observation of food service and in talking both to those serving and those eating, it is clear that those who are hungry generally go to where they know food service will take place. Servers may drive around to find where to offer food, but generally, they know where they expect to find those who are hungry. The reason for this information is to enable unannounced

inspections by the Department and to facilitate tracking of food-borne illnesses. We are requiring those providing food to identify an intersection on their permit application and expect them to serve food within a ten-block radius of this intersection. If a server wishes to have a larger area, we will allow it provided that the Department is contacted and knows where the server will be and the Department is given updated contact information for the group or individual on a regular basis so that the inspector can locate the food operation at the time of inspection.

Other

COMMENT: This is not good use of government funding – the cost of enforcement should be used to provide shelters

COMMENT: What will enforcement cost the City?

RESPONSE: The costs would be small to conduct the inspection during the serving activity. Based on the nature of the outdoor food service operation, the average inspection would take a half an hour- the cost would be about $68.00.

COMMENT: A commenter speaking on behalf of a group of churches urged the city "to discontinue these legislative agendas immediately and choose a more democratic approach to the matter" by abandoning any attempt to license, regulate and oversee outdoor feeders in favor of a voluntary approach.

RESPONSE: Respectfully, we disagree with the suggestion that we have not taken a "democratic" approach. This process of providing notice of our proposed regulatory approach, and of accepting and responding to comments from the public, is democratic, and it has resulted in a number of changes in the proposed regulations based upon commentary from the public. The process we have used follows the dictates of the Philadelphia Home Rule Charter.

Indeed, the commenter's alternative proposal is similar in many ways to our approach. The commenter suggested that we offer free food safety classes as a voluntary option for those serving food outdoors to the hungry.

We are offering free food safety training for servers right now, but as is the case with virtually all regulation, including our regulation of other food handlers, the more effective approach is to make training and minimal safety standards mandatory.

COMMENT: May be useful to pass resolution that people need to clean up the area as they found it when they provide food – that is the only problem.

RESPONSE: While this is a problem, there are other issues, as discussed above, with allowing anyone to provide food to the general public without being subject to any safety requirements or inspections.

COMMENT: Food given out in the shelter is not edible

RESPONSE: Shelter kitchens receive an annual routine inspection. A reinspection of the facility will occur if they fail the first inspection or if a complaint is received about the facility.

COMMENT: The real public health issue is hunger and this will make it worse.

COMMENT: The Department of Public Health should be addressing hunger

COMMENT: Food is a human right/civil right/human right. Giving away hot food on parkway is good thing

COMMENT: We should work together/form a task force with those who feed to find a better solution (there are many people out there who would volunteer to help if asked)

COMMENT: I'm on food stamps and can't get a hot meal. The food which is given out is the only hot food I get – do you know what it's like to go all winter without a hot meal.

RESPONSE: The Board of Health's regulations are not intended to reduce the amount of donated food available. We expect that most servers will be able to comply with the regulations and continue to provide free food. Our intent is to persuade servers that their mission is better served by providing these meals indoors, in a safer, cleaner, more temperate environment where there is better access to ancillary support services for the hungry and homeless. One goal of the new regulations is to keep the hungry and homeless population better informed about where and when meals are available so that people have improved access to free meals.

There are many initiatives by the City and by many other private groups who do not serve outdoors to address hunger and homelessness in the City. Improving the standards and practices of those who do provide food to the hungry is one of those initiatives.

COMMENT: Feeding outdoors is a religious calling, imperative, goal to provide food to homeless.

RESPONSE: This is covered above in the commentary on religious and political rights.

COMMENT: As a Christian church, our homeless outreach is an expression of our faith in Jesus Christ and a response to his commands to feed those who are hungry. We believe that the Board of Health's regulation, if adopted in its current form, would limit our religious freedom by preventing us from continuing to feed our homeless and hungry neighbors.

COMMENT: We contest the proposed legislation, as it is unconstitutional, discriminatory, and a violation of civil as well as religious rights.

RESPONSE: This is covered above in the commentary on religious and political rights.

COMMENT: If the items necessary to comply with the regulations pose a financial hardship for those serving food outdoors to the public, what will the Department do?

RESPONSE: The Department will discuss the hardship with the server to determine options the server might use to be in compliance.