

**CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH
MEETING OF THE BOARD OF HEALTH**

Thursday, March 22, 2012

A meeting of the Philadelphia Board of Health was held on Thursday, March 22, 2012, in the Municipal Services Building, 16th Floor, Rooms X, Y, and Z. The meeting was adjourned, briefly, and reconvened in the Municipal Services Building, Room 1450.

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

Attendees: Approximately 125 individuals attended the meeting.

WELCOME AND INTRODUCTIONS

Board President Donald F. Schwarz, Health Commissioner, called the meeting of the Board to order at 5:45 PM. He asked for additions or corrections to minutes of the meeting of February 7, 2012. Hearing none, the Commissioner entertained a motion to approve the minutes. It was moved and seconded. **Motion passed.**

OUTDOOR PUBLIC FOOD SERVICE REGULATION

The Board of Health reviewed and revised a draft document summarizing public comment on the Outdoor Public Food Service Regulation and setting forth responses to the issues raised during the comment period. The response document addresses comments provided orally by members of the public during the Board of Health Meeting of February 9, 2012, and the public hearing of March 15, 2012, as well as any additional comment submitted to the Department of Public Health in written form during the public comment period. The Department received, in total, 127 written comments, and 73 individual speakers offered oral comment.

Board members were also provided with a draft of a proposed permit application form (Attachment A), and a draft of proposed amendments to the regulation based the testimony and comment provided by the public (Attachment B).

Dr. Schwarz led the review of the fourteen page **Report of the Board of Health on the Hearing on the Proposed Outdoor Food Service Regulation.** Following questions from the Board and discussion, minor corrections and modifications were made to the document. Dr. Gold suggested that a comment appear at the conclusion of the document expressing the Department's intent to work with providers to resolve any hardships posed by the requirements. It was agreed that the Department and the Law Department would draft a concluding comment of this kind. Approval of the report was moved and seconded. **Motion passed.**

The Board began discussion of the proposed amendments to the regulation. A proposal that the word “reasonable” be deleted from the last line of the fifth statement beginning with the word “Whereas” was not approved.

Dr. Schewel proposed that the statement “Whereas the Board is concerned about reducing health inequities” be included in the document. The specific location of the statement in the document was left open to be determined by the department. It was moved and seconded. **Motion passed.**

Demonstrators interrupted the proceeding with loud and persistent chanting.

The Board adjourned briefly, and reconvened in Room 1450. The remainder of the meeting was broadcast live over a sound system to demonstrators and attendees in Rooms X, Y, and Z, on the 16th Floor. Members of the press covering the meeting were invited to join the Board in Room 1450. A representative of Occupy Philadelphia who was streaming the meeting on the Internet was also invited to continue to stream coverage of the meeting in Room 1450.

In response to a question from the Board, Dr. Raval-Nelson outlined the Food Safety Training and Certification process for the Board. She said that the process includes a PowerPoint presentation and a test. The information presented is also supplemented by information that is available on the Health Department’s website. Dr. Schwarz noted that the Department will maintain a list of those certified so that providers need not carry certificates while working.

Dr. Marquez proposed that proposed Section 3 (a) of the regulation be revised to include reporting of concerns about food safety. It was moved and seconded. **Motion passed.**

Dr. Schwarz read aloud the draft of proposed amendments to the regulation, entertaining questions, comments, and any additional corrections, revisions, or changes from the Board. No additional changes were proposed.

Drs. Gold and Marquez observed that some questions might remain about regulations pertaining to the serving of food indoors in some circumstances.

Dr. Schwarz called for a vote on the proposed amended regulation as further amended by the Board. It was moved and seconded. **Motion passed.**

Dr. Schwarz said that the regulation would be forwarded to the Law Department for review, and then sent by the Law Department to the Department of Records. He drew attention the conclusion of the regulation which states that the regulation will not be enforced until a reasonable period of time has elapsed so that providers will have time to engage in training and comply with the requirements. Dr. Schwarz said that enforcement will not begin for at least month.

Members of the Board requested that they be updated at future meetings about the implementation of the regulation. Members asked for the number of applications submitted the affiliations of those applying, the number of permits granted, the number of inspections conducted, number of individuals trained, the locations of kitchens where food is being prepared

and the locations where food is being distributed.

Richard Feder, a City Law Department attorney, noted that the public process employed by the Board of Health in this matter exceeded what is required by law and surpassed by far the measures taken by other governmental agencies.

The meeting was adjourned at 7:25 PM