

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF AGRICULTURE
LEGAL OFFICE**

2301 N. CAMERON STREET, ROOM 201
HARRISBURG, PA 17110
TEL: (717) 787-8744
FAX: (717) 787-1270

99 JUL 20 11:12:09
FACSIMILE

Facsimile:

To: Jim Smith	From: Dwight-Jared Smith, Esquire
Fax: (717) 783-2664	Pages: 2 (Including cover)
Phone:	Date: July 20, 1999
Re:	CC:

Urgent For Review Please Comment Please Reply Please Recycle

• **Comments:**

The information contained in this facsimile message is attorney privileged and confidential information, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original facsimile message to use the above address via the U.S. Postal Service. Thank you.

JUL-25-1997 16:15 FROM

TO

17177832664 P.01

MATTHEW N. WRIGHT, MEMBER
PA HOUSE OF REPRESENTATIVES
ROOM 402, SOUTH OFFICE BLDG.
HOUSE BOX 202020
HARRISBURG, PA 17120-2020
PHONE: (717) 787-8581
FAX: (717) 783-3899

780 N. WOODBOURNE ROAD
LANGHORNE, PA 19047
PHONE: (215) 757-8538
FAX: (215) 757-8510



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

COMMERCE AND ECONOMIC DEVELOPMENT
CONSUMER AFFAIRS
URBAN AFFAIRS
TOURISM & RECREATIONAL DEVELOPMENT
SUBCOMMITTEE CHAIRMAN ON ARTS AND
ENTERTAINMENT
RECYCLING FUND ADVISORY COMMITTEE

File: 1858
cc: Harbison
Smith
Wyatte
Berschak
Sandusky

DATE: 7/24/97

SENDING TO:

FAX Number: 717 783-2664

DEPARTMENT/COMPANY: _____

NAME: Jim Smith

NUMBER OF PAGES (INCLUDING COVERSHEET): 4

THIS MEMO IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE. THANK YOU.

SENT FROM:

DEPARTMENT/COMPANY: REP. MATT WRIGHT

NAME: LISA ANN DEAN

MESSAGE: IT WAS REQUESTED THAT WE PROVIDE THIS INFORMATION

TO YOU. ANY ADDITIONAL QUESTIONS, PLEASE CALL

DAVID NASH, PRESIDENT - HEALTH REGULATION COMPLIANCE

(215)
INC AT 750-3184.

IF YOU DO NOT RECEIVE ALL THE PAGES INDICATED, PLEASE CALL:

(215) 757-8538

Health Regulation Compliance, Inc.
Accredited food safety & HACCP training
National course administration center: One Green Street Halmesville, PA 19047
800-723-3873 Fax (215) 757-9521

July 21, 1997

To: Robert Nyce, IRRIC; Hon. Sen. Daniel Delp, Agriculture and Rural Affairs Committee Chairman; Hon. Raymond Burt, Agriculture and Rural Affairs Committee Chairman; Hon. State Reps. Matthew Wright, Paul Clymer, David Stall

Dear Sirs,

We applaud PA for joining other states and cities, such as Texas, Florida, Connecticut, Rhode Island, Wisconsin, Illinois, that have mandated food manager training and certification. At this time, the final rules and regulations are being completed (7 PA code, Chapter 78 "Food Employee Certification").

As the nation's largest food safety education organization, based in Pennsylvania, we are pleased to offer our expertise to help Pennsylvania avoid a few minor difficulties that other jurisdictions have experienced when implementing this program.

First, we feel it is important for everyone to understand the scientific validity and lifesaving importance of food manager certification, and suggest that the rule be retitled "Food Manager" or "Supervisory Employee" certification to avoid confusion.

Foodborne illness, or disease caused by the contamination of microorganisms in food, is commonly misdiagnosed and under-reported to health authorities and the medical community. Official national estimates of deaths from foodborne illness range from 9,000 to 10,000 deaths annually. However, these numbers reflect only reported cases, so the actual number of deaths is believed to be much higher. Aside from fatalities, foodborne illness afflicts up to 81 million Americans per year, resulting in an economic cost of between \$ 7 and 23 billion dollars annually. (Sources: 1995 FDA Model Food Code - preface, Norman C. Marriott - Principles of Food Sanitation, 3rd Ed., 1994)

Moreover, recent medical studies regarding the severe and diverse chronic sequelae (long term effects) of foodborne illness include renal disease, neurological disorders, rheumatoid disease, and auto immune thyroid disease. (Source: Dr. James A Lindsay, University of Florida, as reported at NEHA, 1997)

It is accepted fact that most foodborne disease is caused by commercial food establishments. With the food service industry growing at a rate of over 6% each year, and more Americans eating out regularly than ever before, the rate of foodborne illness and death is likely to increase. (Sources: CDC, 1993, Natl. Restaurant Association, 1993).

It is important to understand that most foodborne illness can be prevented by proper food handling and preparation. These procedures are relatively simple yet critical. However, they are often not consistently followed, as most food handlers have a casual attitude about food handling. We know from scientific studies that even one careless act that results in microbial or viral contamination can result in the deaths of many people.

Scientific research has proven that food safety education saves lives by reducing critical violations of the health code which often result in death or illness. However, it is impractical and costly to mandate education to every food service worker. Instead, we advocate mandatory training of food service managers, who are responsible for the training and performance of their employees. (Source: Evaluating Food Manager Programs, Philip Kneller, Western Carolina University)

PA Food Manager Certification

7/21/97

Page 2

The competitive, free enterprise system has proven effective in the delivery of food safety education that is cost effective, convenient and provides wide access to students.

To ensure accurate and standardized knowledge for all food service managers, we advocate standards for training to be set up by government. The basis for these standards must be unbiased, scientific research.

As we have reviewed the proposed rulemaking, our first concern is to increase the representation of public health, educational and medical experts on the Advisory Committee. We recommend the addition of at least 7 positions, to include the following: 3 positions for those with expertise in adult education and/or food manager training; 2 positions from those with medical background and/or medical license (M.D., R.D., R.N., etc.); 2 positions for those with public health backgrounds (R.S., MPH, etc.).

Our second concern is that the law exempts establishments that sell only pre-packaged foods. This is contrary to the many food manager certification regulations already in existence in Philadelphia and most of the US. We believe that the rules should state that establishments that serve only "pre-packaged non-potentially hazardous foods" should be exempt.

For example, a chicken sandwich or other pre-packaged, ready to eat food that is time-temperature abused can be lethal. Some packaging materials create a greater threat of foodborne illness, such as vacuum packaged smoked fish, which has been implicated in outbreaks of botulism.

Our third concern is that a proctor has only 20 days in which to deliver exam results to the state. This is impractical, as the three nationally recognized food manager certification exams usually require an average of 21-27 days to process exams and return the results to the trainers. We recommend that this period be lengthened to 45 days to allow ample time for mail delivery.

Our fourth concern is the extended compliance period (January 1, 2001), as at least half of all PA food service managers are already certified (Bucks, Chester, Montgomery and Philadelphia counties have required certification for years). Also, this extended period is inconsistent with most other jurisdictions, which average 2 years.

Food manager certification is relatively easy and fast to obtain. Most jurisdictions require between 8 and 16 hours of training including 2 hours for the exam. Almost all jurisdictions which require 16 hours, allow up to 90% of this training to be completed as home study. From this rule, it appears that the initial certification course must be 16 hours to encompass all the required curriculum, which could be accomplished through 8 hours of home study and 8 hours of classroom.

In addition, access to training is already widely available. HRC, in partnership with the Educational Foundation of the National Restaurant Association and the National Assessment Institute, is committed to providing access to virtually all Pennsylvania food service managers, regardless of language or learning challenge. To date, we have certified over 8,700 in Pennsylvania.

Since food manager certification can be quickly obtained, wide access is already available and about half of all food service establishments have a certified manager already, we strongly recommend that the compliance period be shortened to the national average of 2 years, to July 1, 1999. (Is it reasonable to give food managers over 4 years to take a 1 or 2 day class, while during this period preventable suffering and death continues?).

PA Food Manager Certification

7/21/97

Page 3

Fifth, the recertification period is 5 years, which again is contrary to the national average and studies have shown that recertification every 3 years is most effective and is the recommended standard. (Sources: Report on Food Manager Certification, 1986, Conference for Food Protection, "Food Manager Certification" Dr. E. Julian, 1989.)

Last, we ask that food safety courses include the availability of Hepatitis A vaccine and other vaccinations that relate to foodborne disease as they become available (a vaccine for Hepatitis A from SmithKline Beecham has been available for about 2 years, and most foodservice managers are still unaware of it's availability).

We invite members of the legislature and the Advisory Committee and other stakeholders to call us or to attend one of HRC's food manager certification courses or we will arrange a private course in Harrisburg.

Thank you for the opportunity to contribute our expertise to help ensure that Pennsylvania's food manager certification program will be most practical and effective in reducing the serious problem of foodborne disease through education and certification.

Sincerely,



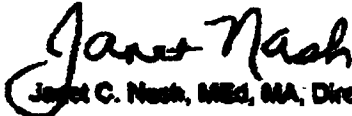
David Nash, President



Kathleen Johns, MS, RD, Supervisory Instructor



William Kropnicki, MD, Medical Advisor



Janet C. Nash, MEd, MA, Director of Adult Education