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**INDEPENDENT REGULATORY REVIEW COMMISSION
COMMONWEALTH OF PENNSYLVANIA
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October 23, 2003

Honorable Dennis C. Wolff, Secretary
Department of Agriculture
211 Agriculture Building
2301 North Cameron Street
Harrisburg, PA 17110

Re: Regulation #2-137 (IRRC #2255)
Department of Agriculture
Food Code

Dear Secretary Wolff:

The Independent Regulatory Review Commission approved the subject regulation today.
Our Order is enclosed and will be available on our website at www.irrc.state.pa.us.

We appreciate the joint effort that went into producing a regulation that meets the criteria
and intent of the Regulatory Review Act.

Sincerely,

Robert E. Nyce
Executive Director

wbg

Enclosure

cc: Honorable Mike Waugh, Chairman, Senate Agriculture and Rural Affairs Committee
Honorable Michael A. O'Pake, Minority Chairman, Senate Agriculture and Rural Affairs
Committee
Honorable Arthur D. Hershey, Majority Chairman, House Agriculture and Rural Affairs
Committee
Honorable Peter J. Daley, II, Democratic Chairman, House Agriculture and Rural Affairs
Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held October 23, 2003

John R. McGinley, Jr., Esq., Chairman, by Phone
Alvin C. Bush, Vice Chairman, by Phone
Arthur Coccodrilli
Daniel F. Clark, Esq.
Murray Ufberg, Esq.

Regulation No. 2-137
Department of Agriculture
Food Code

On February 8, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking is revising Title 7 Pa. Code by adding Chapter 46 and deleting Chapters 31, 35, 41, 43, 45, 47, 49, 53, 55, 61, 63, 78, 79, 80 and 81. The proposed regulation was published in the February 23, 2002 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 17, 2003.

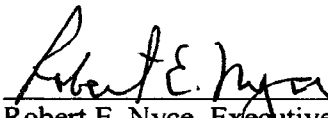
This regulation deletes a number of existing chapters and establishes a new comprehensive food code for the Commonwealth. The rulemaking sets food safety standards and procedures for food establishments and public drinking and eating places. It applies to restaurants, grocery stores, and any enterprise that processes, prepares and packages food for public consumption. The primary purpose for this rulemaking is to reduce foodborne illness, while bringing Pennsylvania regulations into conformity with national food standards.

We have determined this regulation is consistent with the statutory authority of the Department (31 P.S. § 20.13(a), 35 P.S. § 655.6(a) and 71 P.S. § 445(d)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.




Robert E. Nyce, Executive Director