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INSIDE THIS ISSUE

Food Safety—  
Sales by Non-Profits

Philadelphia Menu  
Labeling Ordinance

Natural Gas Leasing—  
State Forest Land

Regulation of  
Greenhouse Gases

ACRE—Application  
of Biosolids

**PENNSYLVANIA SENATE PASSES LEGISLATION AMENDING FOOD SAFETY REQUIREMENTS FOR SALES BY NON-PROFIT ORGANIZATIONS**

by Christine Arena

The Pennsylvania Senate has passed legislation that would alter the inspection requirements pertaining to food sales by non-profit organizations. Last spring, the Lenten fish fry at St. Cecelia Catholic Church in Beaver County garnered national media attention when the church was ordered to stop serving pies that had been baked in the private (unlicensed) kitchens of its parishioners. In response to the incident, Senator Elder Vogel proposed legislation to address the issue. Senate Bill 828 would allow non-profits, such as churches, to offer goods produced in unlicensed kitchens as long as the consumer is given notice as to where the product was made. In addition, the product must be prepared in a private kitchen and cannot be a potentially hazardous food. A potentially hazardous food is defined as one containing eggs, milk, meat, poultry or fish. The organizations that are protected by this exemption include volunteer fire companies, schools, and religious, fraternal, veteran, and civic organizations. The bill is a proposed amendment to the Public Eating and Drinking Place Law, 35 PA. STAT. §§ 655.1 to 655.13. The Senate Agricultural and Rural Affairs Committee approved the bill on January 26, 2010, and it was passed by a 49 to 0 vote in the Senate on February 1, 2010. It now has been referred to the Agricultural and Rural Affairs Committee of the Pennsylvania House of Representatives for further action. For more on food safety in Pennsylvania, visit the [Department of Agriculture Bureau of Food Safety](#) Web site.



**PHILADELPHIA MENU LABELING ORDINANCE TAKES EFFECT, REQUIRES CHAIN RESTAURANTS TO DISPLAY NUTRITION INFORMATION**

by Christine Arena

An ordinance requiring menu labeling within certain restaurants took effect in the City of Philadelphia on January 1, 2010. Bill No. 080167-A. Chain restaurants with more than 15 locations doing business under the same name (within the city or elsewhere) must post the amount of calories, saturated and trans fats, sodium, and carbohydrates for each food and beverage item on the menu. The information must be conspicuous and in a similar font and size as the price and other information about the item. Furthermore, a statement describing the U.S. Food and Drug Administration's guidelines on calories, saturated and trans fat, sodium, and carbohydrates also must be stated on the menu. Products that are advertised through the use of menu boards or food tags are required to display only the calories, but nearby signs must indicate that additional information is available in writing upon request. The ordinance also addresses food delivery by requiring that restaurants include the nutritional information on the wrapper or packaging of any delivered item. The penalty for a violation of the new menu labeling law is a fine of up to \$500. This menu labeling ordinance was passed by the Philadelphia City Council on November 6, 2008. For more information on this ordinance, please visit the Philadelphia City Council's Web site at <http://webapps.phila.gov/council/detailreport/?key=8250>.



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**PENNSYLVANIA DCNR ANNOUNCES RESULTS OF NATURAL GAS LEASE OFFERING ON STATE FOREST LAND**

by Robert Jochen

On January 12, 2010, Pennsylvania's Department of Conservation and Natural Resources (DCNR) announced the winning bidders of leasing rights to develop several tracts of state forest land. The six tracts of land include 31,947 acres and are located in Tioga, Potter, Clinton, Clearfield, and Cameron counties. The decision to open this land for leasing was made during the state budget negotiations in anticipation of receiving approximately \$60 million in revenue. The minimum acceptable bid for each of the six tracts was required to be in excess of \$2,000 per acre, and the leases were to include a royalty provision in the amount of 18%. On average, the winning lease bids equaled approximately \$4,000 per acre, with a high bid of \$5,250 per acre. Of the twenty-one companies that registered to bid on the tracts, five companies received the leasing rights. Seneca Resources received the rights to develop two tracts, while Anadarko, Chesapeake Appalachia, EXCO Resources and Penn Virginia Oil and Gas each received developmental rights to a single tract. For more information on the leasing of state forest land, please visit the [DCNR Oil and Gas Lease Offering](#) Web site.

**SENATE RESOLUTION SEEKS TO INVALIDATE EPA ENDANGERMENT RULING**

by Richard Lupinsky Jr.

On January 21, 2010, Senator Lisa Murkowski (R - AK) introduced a resolution disapproving of an Environmental Protection Agency (EPA) rule regarding the regulation of greenhouse gases (GHGs) under the Clean Air Act (CAA). S.J. Res. 26. EPA promulgated a final rule in December finding that GHGs endangered public health and welfare and caused or contributed to air pollution under section 202(a) of the CAA. 74 Fed. Reg. 66,496 (Dec. 15, 2009). This endangerment finding is a prerequisite to further regulatory activity by EPA. The Murkowski resolution was introduced pursuant to the Congressional Review Act, 5 U.S.C. §§ 801-808, through which Congress can invalidate an agency regulation. The introduction of the resolution follows in the wake of a recent petition filed by the National Cattlemen's Beef Association and others seeking to overturn the EPA endangerment ruling. *Coalition for Responsible Regulation v. EPA*, No. 09-1322 (D.C. Cir. filed Dec. 23, 2009). For more on air quality issues, visit the [EPA Animal Feeding Operations—Air Quality](#) Web site.

**COMMONWEALTH COURT DISMISSES PRELIMINARY OBJECTIONS FILED BY TOWNSHIP IN ACRE CHALLENGE**

by Joshua Wilkins

In a challenge to an ordinance brought by the Attorney General under ACRE, the Commonwealth Court overruled preliminary objections filed by the township. *Commonwealth v. Packer Twp.*, No. 432 M.D. 2009 (Pa. Commw. Ct. Jan 6, 2010). ACRE addresses local ordinances that unlawfully regulate normal agricultural operations. Packer Township enacted an ordinance that regulated the land application of biosolids, and purported to strip "the authority of the Attorney General to enforce any state law that removes authority from . . . the Township." The court first ruled that the township could not annul the jurisdiction of the Attorney General. The court also rejected the township's argument that the land application of biosolids, by law, was not a "normal agricultural operation," and thus not protected under ACRE. The court reasoned that the interpretation of "normal agricultural operation" was "far from clear," but that the Attorney General had presented a colorable claim to proceed forward with the ordinance challenge. For more on ACRE, visit the Agricultural Law Center's [ACRE Resource Area](#).

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