

# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[ 4 PA. CODE CH. 1 ]

[ EXECUTIVE ORDER NO. 2004-9 ]

### Economic Development Committee of the Cabinet

June 15, 2004

*Whereas*, Pennsylvania has lagged behind the nation in job creation and population growth and ranks at or near the bottom nationally in terms of average educational attainment of our workforce; and

*Whereas*, Pennsylvania continues to experience a net outward migration of young, educated workers, and Pennsylvania has not been successful in attracting sufficient investment in emerging businesses and industries; and

*Whereas*, the manufacturing and agriculture sectors of the state's economy, historically the cornerstones of the state's economy, continue to erode gradually; and

*Whereas*, successful economic development must be sustainable, contributing lasting economic benefits, increased social well-being, a healthy environment, and an improved quality of life for Pennsylvania's people and communities; and

*Whereas*, the Commonwealth's economic development goals include attracting and retaining a young, diverse, well-educated workforce and improving the quality of life offered in Pennsylvania's varied communities; reusing previously developed sites and developing new sites in order to create jobs; and implementing a preference for development that uses and improves existing infrastructure over development in undeveloped agricultural, forested, or watershed lands; and

*Whereas*, recent changes in state policy and improvements in economic development assistance programs require interagency cooperation in order to create a comprehensive economic development strategy; and

*Whereas*, a coordinated policy development and planning effort will result in improved management and productivity of State government economic development programs, more efficient use of scarce resources, and greater evaluation of program performance; and

*Whereas*, a successful economic development strategy will result in stronger economic growth, revitalization of neighborhoods and communities, and an improved quality of life for all Pennsylvanians.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do formally establish the Economic Development Committee of the Cabinet (hereinafter referred to as the "Committee"), and do order and direct as follows:



Governor

**Fiscal Note:** 2009-7. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 4. ADMINISTRATION

## PART I. GOVERNOR'S OFFICE

## CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter TT. ECONOMIC DEVELOPMENT  
COMMITTEE OF THE CABINET**§ 1.551. Mission.**

The mission of the Economic Development Committee of the Cabinet is to:

- (1) Coordinate programs and policies affecting economic growth, job creation and retention, and workforce development across State agencies.
- (2) Develop policies and programs to foster business development and job creation.
- (3) Evaluate and redirect, as necessary, the objectives of State economic development and tax policy.
- (4) Establish the criteria for measuring the effectiveness of State policies and programs related to economic development, job creation and community revitalization.
- (5) Monitor market conditions that could affect economic development in this Commonwealth.
- (6) Promote policies that encourage the wise stewardship and conservation of the natural resources of this Commonwealth.

**§ 1.552. Composition.**

The Economic Development Committee of the Cabinet will consist of the following members, each of whom will be appointed by and serve at the pleasure of the Governor:

- (1) The Secretary of Community and Economic Development, who will chair the Committee.
- (2) The Secretary of Agriculture.
- (3) The Secretary of Banking.
- (4) The Secretary of the Budget.
- (5) The Secretary of Conservation and Natural Resources.
- (6) The Secretary of Education.
- (7) The Secretary of Environmental Protection.
- (8) The Secretary of Health.
- (9) The Secretary of Labor and Industry.
- (10) The Secretary of Revenue.
- (11) The Secretary of Transportation.
- (12) The Director of the Governor's Policy Office or a designee.
- (13) The Governor's Chief of Staff or a designee.
- (14) *Ex officio* members as appointed by the Governor.

**§ 1.553. Powers and duties.**

The Economic Development Committee of the Cabinet (Committee) will have the power and duty to:

- (1) Review and coordinate all economic development and community revitalization programs managed by State agencies.
- (2) Coordinate the review of economic development projects and investments to ensure that they are supported by the programs, actions and decisions of other agencies.

(3) Make recommendations on policies and programs that will more effectively and efficiently foster economic growth and community renewal.

(4) Make recommendations on strategies and policies fostering development that conserves land and open space and attracts businesses near existing housing, social services, and public infrastructure; rehabilitates infrastructure and previously developed land; encourages transportation options; and promotes strategic investment in transportation that encourages the revitalization of older communities.

(5) Monitor energy markets and public infrastructure that have the potential to affect economic development and make recommendations on strategies to promote diversification of energy resources and increasing the reliability of energy supplies.

(6) Evaluate and make recommendations for the coordination of workforce development programs managed by State agencies, including adult education, job training, job retraining, job search and employer-operated training programs.

(7) Recommend policies and program enhancements that encourage the conservation and wise stewardship of natural resources and encourage community preservation and revitalization.

(8) Evaluate the public policy objectives underlying State business tax policy and make recommendations to the Governor for appropriate changes.

(9) Develop performance measures for economic development and community revitalization programs managed by State agencies.

(10) Identify economic, environmental and social trends of concern that require coordinated responses from Committee members.

(11) Exercise all other powers and duties that the Governor may delegate to the Committee.

**§ 1.554. Working groups.**

(a) The Economic Development Committee (Committee) of the Cabinet will establish the following working groups to assist in its efforts:

- (1) Workforce Development.
- (2) Infrastructure, Energy, and Technology.
- (3) Tourism and Recreation.
- (4) Manufacturing.
- (5) Small Business.
- (6) Health Care and Life Sciences.
- (7) Agricultural and Agribusiness.

(b) The Governor will establish other working groups as deemed necessary.

(c) The existing Interagency Land Use Team will serve as a working group to assist the Committee by identifying:

(1) Agency programs and policies that impede sound land use management, conservation of natural resources, responsible development and economic growth.

(2) The causes of negative environmental, economic and social trends caused by existing land use practices that require coordinated responses of Cabinet members.

(3) Policies and strategies for conserving land and open space, reusing previously developed sites, and rehabilitating existing infrastructure.

**§ 1.555. Staff.**

Members of the Economic Development Committee of the Cabinet (Committee) will assign staff from their agencies, as necessary, to assist the Committee and its working groups to carry out their responsibilities.

**§ 1.556. Advisory groups.**

The Governor will appoint advisory groups, as deemed necessary, to assist the Economic Development Committee of the Cabinet or its working groups.

**§ 1.557. Compensation.**

Members of the Economic Development Committee of the Cabinet will serve without compensation for their services except that the members may be reimbursed the necessary and actual expenses incurred in attending meetings for actual travel and related expenses in accordance with Commonwealth policy. See 4 Pa. Code Chapter 40 (relating to travel and subsistence).

**§ 1.558. Responsibilities of Commonwealth agencies.**

Commonwealth agencies, under the jurisdiction of the Governor, shall cooperate with the Economic Development Committee of the Cabinet (Committee) and shall, at a minimum:

(1) Provide information, assistance, data, records and materials, as necessary, for the Committee and its working groups to properly carry out their responsibilities.

(2) Provide resources, including staff, equipment and supplies, as necessary, for the Committee and its working groups to properly carry out their responsibilities.

(3) Recommend to the Committee and its working groups areas of investigation that might result in improvements to State government operations, promote more efficient use of scarce resources and improve the general business climate.

[Pa.B. Doc. No. 10-1. Filed for public inspection December 31, 2009, 9:00 a.m.]

**PART I. GOVERNOR'S OFFICE****[ 4 PA. CODE CH. 5 ]****[ EXECUTIVE ORDER NO. 2003-9 AS AMENDED ]****Governor's Advisory Commission on Latino Affairs**

September 15, 2005

*Whereas*, the character of Pennsylvania has been shaped by the various religious, ethnic, and national groups which have settled within its boundaries and this diversity is the very fiber that has allowed us to grow, prosper, and succeed as a Commonwealth; and

*Whereas*, as one of the fastest growing communities in the Commonwealth, the Latino community has had a positive impact upon business and industry and has enhanced Pennsylvania through culture, creativity, and innovation; and

*Whereas*, the Latino community must be given the opportunity to continue to grow and prosper within our boundaries. Concomitantly, the Commonwealth must protect this important community against discrimination, provide Latino children with the opportunity to receive the best education possible, and increase economic development and employment possibilities in order to help enhance the social and economic status of the Latino community in Pennsylvania.

*Now Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of

the Commonwealth of Pennsylvania and other laws, do hereby reestablish the Governor's Advisory Commission on Latino Affairs (hereinafter referred to as the "Commission") as the Commonwealth's advocate agency for its Latino citizens as hereinafter set forth.

*Edmund G. Rendell*

Governor

**Fiscal Note:** 2009-08. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 4. ADMINISTRATION  
PART I. GOVERNOR'S OFFICE  
CHAPTER 5. COUNCILS AND COMMITTEES  
Subchapter T. GOVERNOR'S ADVISORY  
COMMISSION ON LATINO AFFAIRS**

**§ 5.213. Composition.**

(a) The Governor's Advisory Commission on Latino Affairs (Commission) consists of 18 members to be appointed by the Governor who are representatives of this Commonwealth's Latino community.

(b) The Governor will appoint an Executive Director of the Commission.

(c) The Governor will designate two Commission members to serve as co-chairpersons of the Commission.

[Pa.B. Doc. No. 10-2. Filed for public inspection December 31, 2009, 9:00 a.m.]

**PART I. GOVERNOR'S OFFICE  
[ 4 PA. CODE CH. 6 ]  
[ EXECUTIVE ORDER NO. 2008-09 AS AMENDED ]  
Governor's Food Safety Council**

August 26, 2009

*Whereas*, the safety and security of the food supply produced and consumed in the Commonwealth is a critical concern for the well-being of Pennsylvania's 12.5 million citizens and their uninterrupted access to a safe, abundant and affordable food supply; and

*Whereas*, the stability of the Commonwealth's number one economic enterprise is at stake when threats are made to the food, fuel, and fiber system, as it accounts for \$46.4 billion and supplies more than one million jobs in Pennsylvania; and

*Whereas*, recognizing that the food supply continuum is comprised of many components and stages from farm-based production to ultimate consumption; and

*Whereas*, there is an increased need for collaboration, planning, prevention, and response from numerous governmental agencies, including the Department of Agriculture, Department of Health and agencies directly linked to the public health and emergency response initiatives; and

*Whereas*, threats to the food system are comprised of both naturally occurring pathogens and intentionally introduced agents and establishing food safety is a critical security issue; and

*Whereas*, it has been determined that the Governor and the Commonwealth would benefit from the advice and counsel of an official representative body of food and health safety managers, emergency response community members, policy makers, food producers, food processors, food retailers, and agribusiness organizations focused on food safety, and defense protocols and processes across all points of the food production spectrum.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Governor's Food Safety Council (hereinafter referred to as the "Council") as hereinafter set forth.



*Governor*

**Fiscal Note:** 2009-06. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 4. ADMINISTRATION**

**PART I. GOVERNOR'S OFFICE**

**CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES**

**Subchapter EE. GOVERNOR'S FOOD SAFETY COUNCIL**

**§ 6.385. Composition.**

The Governor's Food Safety Council (Council) shall consist of the following members:

(1) The following agency heads of the commonwealth, or their designees who serve in positions related to the safety and security of the food supply:

- (i) The Secretary of Agriculture, who will serve as Co-Chairperson of the Council.
- (ii) The Secretary of Health, who will serve as Co-Chairperson of the Council.
- (iii) The Director of the Pennsylvania Emergency Management Agency.
- (iv) The Commissioner of the Pennsylvania State Police.

(2) The Majority and Minority Chairpersons of the Senate of Pennsylvania and the Pennsylvania House of Representatives' Agriculture and Rural Affairs Committees, or their designees.

(3) Additional members of the public representing the agriculture and food production sectors as well as the public health and emergency management communities. The members of the public will be appointed by and serve at the pleasure of the Governor. A member of the public appointed to the Council under this subsection may have a designee act on the member's behalf, if the member first provides the Chairperson a copy of the member's written designation authorizing the designee to so act. These members will include:

- (i) Two members representing Local/Act 315 Health Departments.
- (ii) Three academic members, one of whom shall represent the Agricultural Law Resource and Reference Center.
- (iii) Two retail sector members, represented by the Pennsylvania Food Merchants Association and the Pennsylvania Restaurant Association.



- (iv) Two processing sector members.
  - (v) Four agricultural producers representing organic, animal, vegetable and fruit production.
  - (vi) One food animal veterinarian.
  - (vii) Two members representing general agricultural organizations in Pennsylvania.
  - (viii) Two members representing the ports and transportation sector in Pennsylvania, one of whom shall serve as the liaison to the Port of Philadelphia.
  - (ix) Two at-large members.
- (4) Serving as liaisons to the Council will be representatives of the Federal Bureau of Investigation; United States Department of Agriculture; Center for Disease Control; and the Food and Drug Administration.

**§ 6.384. Terms of membership.**

The 20 members of the public representing the agriculture and food industry and the public health and emergency response communities will be appointed for terms of 2 years and will continue to serve thereafter until their successors have been appointed. The Governor will fill vacancies that may occur and may remove any member from the Governor's Food Safety Council at his discretion.

[Pa.B. Doc. No. 10-3. Filed for public inspection December 31, 2009, 9:00 a.m.]

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**PART I. GOVERNOR'S OFFICE**

**[ 4 PA. CODE CH. 7a ]**

**[ EXECUTIVE ORDER NO. 2007-07 ]**

**Subsidized Child Care Providers**

June 14, 2007

*Whereas*, quality early childhood education and care is essential to the quality of life in the Commonwealth and is a vital contributor to the development of children. Numerous studies have demonstrated that high quality early childhood education and care during the first five years of a child's life is crucial to brain development and increases the likelihood of a child's success in school and later in life; and

*Whereas*, affordable, quality early childhood education and care is necessary for families to obtain work, achieve self sufficiency and contribute to Pennsylvania's economy; and

*Whereas*, the Commonwealth is committed to ensuring that all of Pennsylvania's children are ready to succeed in kindergarten; and

*Whereas*, subsidized child care providers exempt from certification or regulation provide services to children and their families; and

*Whereas*, the Commonwealth is committed to developing a strategy to support these child care providers so that they can receive information to assist them in becoming registered and provide better quality early care and education to children they serve; and

*Whereas*, the Commonwealth is interested in receiving input from these providers in order to meet its goals for early childhood education and care.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby direct the following:



Governor

**Fiscal Note:** 2009-03. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 4. ADMINISTRATION**

**PART I. GOVERNOR'S OFFICE**

**CHAPTER 7a. ADDITIONAL MISCELLANEOUS PROVISIONS**

**Subchapter A. SUBSIDIZED CHILD CARE PROVIDERS**

Sec.	Definitions.
7a.1.	Election of exclusive representative.
7a.2.	Meeting with exclusive representative.
7a.3.	Memorialization of agreement.
7a.4.	State action exemption.
7a.5.	Report to the Governor.
7a.6.	Miscellaneous provisions.
7a.7.	Term.
7a.8.	

**§ 7a.1. Definitions.**

For purposes of this subchapter, the following words and terms, have the following meanings, unless the context clearly indicates otherwise:

*Exclusive representative*—The exclusive representative of subsidized child care providers exempt from certification or registration elected under § 7a.2 (relating to election of exclusive representative).

*Exempt providers*—Subsidized child care providers exempt from certification or registration. Child care providers who participate in the subsidized child care program and are not subject to Article IX or X of the Public Welfare Code (62 P.S. §§ 901—921 and 1001—1088) and not governed by 55 Pa. Code Chapters 3270, 3280 and 3290 (relating to child day care centers; group child day care homes; and family child day care homes).

*Secretary*—The Secretary of the Department of Public Welfare or a designee.

**§ 7a.2. Election of exclusive representative.**

The Secretary will select a reputable organization with experience in conducting representation elections to conduct a mail ballot election for the exclusive representative of exempt providers. For an election to occur, a representative or representative organization must have collected signed cards from at least 30% of all exempt providers indicating their desire for representation. The exclusive representative will be named upon successful completion of an election in which the representative receives at least a majority of the votes cast.

**§ 7a.3. Meeting with exclusive representative.**

The Secretary will meet, confer and discuss with the exclusive representative issues of mutual concern regarding quality early care and education that prepares children for schools.

**§ 7a.4. Memorialization of agreement.**

When an agreement is reached, it will be memorialized in writing. The agreement will be subject to any agency rulemaking, statutory or budgetary changes that may be required. Any agreement which requires rulemaking, statutory or budgetary changes will be contingent upon the successful



completion of the rulemaking, legislative or budgetary process. The parties will jointly seek the enactment of the regulatory or legislative action.

**§ 7a.5. State action exemption.**

In affording exempt providers the right to select the exclusive representative, engage in collective action, and jointly engage in negotiations with the Commonwealth pursuant to the terms of this subchapter, the Commonwealth intends that the "State Action" exemption to Federal antitrust laws be fully available to the Commonwealth, exempt providers and the exclusive representative. The exempt conduct will be actively supervised by the Department of Public Welfare.

**§ 7a.6. Report to the Governor.**

The Secretary will issue a report to the Governor regarding the progress of the Secretary and the exclusive representative under the terms of this subchapter by October 12, 2007, and annually thereafter on or before September 1st until an agreement under § 7a.4 (relating to memorialization of agreement) has been reached.

**§ 7a.7. Miscellaneous provisions.**

(a) Nothing in this subchapter is intended to give exempt providers, or imply that these exempt providers, have any right to engage in a strike or work stoppage.

(b) Nothing in this subchapter is intended to grant exempt providers Commonwealth employee status or in any way imply an employer-employee relationship.

**§ 7a.8. Term.**

This subchapter shall be effective immediately and remain in effect until rescinded by the Governor.

[Pa.B. Doc. No. 10-4. Filed for public inspection December 31, 2009, 9:00 a.m.]

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**PART I. GOVERNOR'S OFFICE**  
**[ 4 PA. CODE CH. 7a ]**  
**[ EXECUTIVE ORDER NO. 2007-06 ]**  
**Registered Family Child Care Providers**

June 14, 2007

*Whereas*, quality early childhood education and care is essential to the quality of life in the Commonwealth and is a vital contributor to the development of children. Numerous studies have demonstrated that high quality early childhood education and care during the first five years of a child's life is crucial to brain development and increases the likelihood of a child's success in school and later in life; and

*Whereas*, affordable, quality early childhood education and care is necessary for families to obtain work, achieve self-sufficiency and contribute to Pennsylvania's economy; and

*Whereas*, the Commonwealth is committed to ensuring that all of Pennsylvania's children are ready to succeed in kindergarten; and

*Whereas*, the quality of early childhood education and care depends on multiple factors, including practitioner education, preparation and ongoing professional development, making the preparation and development of regulated practitioners a concern for the Commonwealth; and

*Whereas*, the Commonwealth is committed to ensuring access to high quality early childhood education for Pennsylvania's children through

quality initiatives, such as Keystone STARS/Keys to Quality, and T.E.A.C.H., and the development of career lattices for practitioners and administrators; and

*Whereas*, registered family child care providers are an essential part of the Commonwealth's early childhood system and have the capacity to serve nearly 25,000 of Pennsylvania's children and families; and

*Whereas*, the Commonwealth of Pennsylvania's Department of Public Welfare establishes and maintains standards for the delivery of quality child care services and supports low-income families with access to subsidized child care through the Child Care Works Program; and

*Whereas*, the Commonwealth is interested in receiving input from registered family home based providers to meet its goals for early childhood education and care.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby direct the following:



Governor

**Fiscal Note:** 2009-05. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 4. ADMINISTRATION**

**PART I. GOVERNOR'S OFFICE**

**CHAPTER 7a. ADDITIONAL MISCELLANEOUS PROVISIONS**

**Subchapter B. REGISTERED FAMILY CHILD CARE PROVIDERS**

Sec.	
7a.11.	Definitions.
7a.12.	Election of exclusive representative.
7a.13.	Meeting with exclusive representative.
7a.14.	Memorialization of agreement.
7a.15.	State action exemption.
7a.16.	Report to Governor.
7a.17.	Miscellaneous provisions.
7a.18.	Term.

**§ 7a.11. Definitions.**

For purposes of this subchapter, the following words and terms, have the following meanings, unless the context clearly indicates otherwise:

*Exclusive representative*—The exclusive representative of registered family child care providers elected under § 7a.12 (relating to election of exclusive representative).

*Registered family child care provider*—A person who operates a family child day care home granted a certificate of registration under Article X(c) of the Public Welfare Code (62 P. S. §§ 1070—1080) and governed by 55 Pa. Code Chapter 3290 (relating to family child day care homes).

*Secretary*—The Secretary of the Department of Public Welfare or a designee.

**§ 7a.12. Election of exclusive representative.**

The Secretary will select a reputable organization with experience in conducting representation elections to conduct a mail ballot election for the exclusive representative of registered family child care providers. For an election to occur, a representative or representative organization must have collected signed cards from at least 30% of registered family child care providers indicating their desire for representation. The exclusive represent-

ative will be named upon successful completion of an election in which the representative receives at least a majority of the votes cast.

**§ 7a.13. Meeting with exclusive representative.**

The Secretary will meet, confer and discuss with the exclusive representative issues of mutual concern on common goals such as a quality early childhood education and care program that includes availability to low-income families, professional preparation and development, health and safety regulations, reimbursement rates, payment procedures, the monitoring and evaluating of registered family child care as well as other issues that are of mutual interest for quality early education and care.

**§ 7a.14. Memorialization of agreement.**

When an agreement is reached, it will be memorialized in writing. The agreement will be subject to any agency rulemaking, statutory, or budgetary changes that may be required. Any agreement which requires rulemaking, statutory or budgetary changes will be contingent upon the successful completion of the rulemaking, legislative or budgetary process, or both. The parties will jointly seek the enactment of the regulatory or legislative action.

**§ 7a.15. State action exemption.**

In affording registered family child care providers the right to select the exclusive representative, engage in collective action, and jointly engage in negotiations with the Commonwealth pursuant to this subchapter, the Commonwealth intends that the "State Action" exemption to Federal antitrust laws be fully available to the Commonwealth, family child care providers and the exclusive representative. The exempt conduct will be actively supervised by the Department of Public Welfare.

**§ 7a.16. Report to Governor.**

The Secretary will issue a report to the Governor regarding the progress of the Secretary and the exclusive representative under the terms of this subchapter by October 12, 2007, and annually thereafter on or before September 1st until an agreement under § 7a.14 (relating to memorialization of agreement) has been reached.

**§ 7a.17. Miscellaneous provisions.**

(a) Nothing in this subchapter is intended to give registered family child care providers, or imply that registered family child care providers, have any right to engage in a strike or work stoppage.

(b) Nothing in this subchapter is intended to grant registered family child care providers Commonwealth employee status or in any way imply an employer-employee relationship with the Commonwealth.

**§ 7a.18. Term.**

This subchapter shall be effective immediately and remain in effect until rescinded by the Governor.

[Pa.B. Doc. No. 10-5. Filed for public inspection December 31, 2009, 9:00 a.m.]