

Third-Party Delivery Applications (TPDAs)

# Environmental Health Program

Senate Study Committee  
Presentation

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# Challenges

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- No Federal/consistent regulatory oversight
- Could cross state lines
- Do not operate in a way related to retail food service establishments
- State and local jurisdictions have patchwork regulations
  - Fair labor practices for delivery drivers
  - Caps on fees charged
  - Listing restaurants on platform without consent
- Accountability/enforcement
- Different methods of delivery (vehicle, scooter, bicycle, walking)

# Recent Developments

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- Iowa passed a law regulating food safety for TPDA companies (Senate File 2374), including holding temperatures of food, sealed containers, passengers, smoking/vaping, and liability. This bill took effect June 7, 2022.
- New Jersey and Tennessee have laws regulating delivery of alcohol through Department of Revenue
- Conference for Food Protection released a guidance document for TPDA's but not enforceable

# Differences Between TPDA's and Restaurant Delivery

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## **TPDA's:**

- Employees are "hired" by the consumer to pick up their food for them
- Employees work for the TPDA company/contractors
- The employee for the TPDA is considered the end consumer by the restaurant
- TPDA company takes control of the food for the consumer
- No delivery radius determined/required

## **Restaurants:**

- Consumer orders directly from the restaurant
- Employees work directly for the restaurant
- Restaurant maintains control over food until given to consumer
- Restaurant can determine delivery radius
- DPH has jurisdiction over restaurant employees and transport method
- Caterers are required to maintain food at specific temperatures during transport

# Food Service Establishment Safety Requirements

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While food is under the control of the restaurant:

- Certain foods must be maintained safe using time or temperature control for safety ( $\geq 135^{\circ}\text{F}$  or  $\leq 41^{\circ}\text{F}$ )
- Food must be protected from contamination at all times
- Employee health and hygiene requirements
- Food must be kept in containers designed for food