

City Council Introduction: April 4, 2016
Public Hearing: April 11, 2016
Date Factsheet Prepared: March 15, 2016

BILL NUMBER: 16-32

FACTSHEET

TITLE: Amending LMC 8.20 Lincoln Food Code: Preventing Contamination from Hands

BOARD/COMMITTEE: Board of Health

APPLICANT: Health

RECOMMENDATION: For

STAFF RECOMMENDATION: For

OTHER DEPARTMENTS AFFECTED: None

SPONSOR: Health

OPPONENTS: None identified

REASON FOR LEGISLATION

To update LMC 8.20 Lincoln Food Code by adding a new section on Preventing Contamination from Hands.

DISCUSSION / FINDINGS OF FACT:

The Health Department is proposing to update the Lincoln Food Code to add a new section on Preventing Contamination from Hands. The intent of this change is to improve public health protection by reducing foodborne illnesses due to norovirus and other organisms that can be spread from contaminated hands to food. Norovirus is the leading cause of foodborne illness in the United States (CDC 2015). Contaminating ready-to-eat food by hands is the leading cause of norovirus outbreaks from food.

The Food Advisory Committee, composed of industry, academia, and the general public, appointed an food industry working group to evaluate a no bare hand contact with ready-to-eat foods policy. After meeting four times, the work group recommended a proposed ordinance, which was approved by the entire Food Advisory Committee in December 2015.

In January 2016, all owners of licensed food establishments and Food Managers were mailed the proposed food code section and invited to provide feedback by email, phone or by attending one of two meetings. In February, 2016 two public meetings were held attracting 40 attendees who were a diverse representation of food establishment owners and managers. LLCHD presented a brief history of how the code was developed and reviewed the proposed code. Feedback was encouraged and good discussion occurred at both meetings. Questions focused on how the code would be implemented. No one opposed the proposed code.

On March 8, the Board of Health reviewed, discussed and unanimously approved the proposed code.

The proposed new Lincoln Food Code section is based on the 2013 FDA Food Code, with some modifications, making it easier to implement in the food industry. This new section would be more strict than the provisions found in the Nebraska Food Code on handwashing (Neb. Rev. Stat. §81-2,272.10 Food employees; hand washing; food contact; restrictions). In essence, the standard for preventing food from being contaminated by hands would change from "minimizing bare hand contact" to "no bare hand contact with ready-to-eat foods unless additional protective actions/policies are implemented. Three specific exceptions would be allowed: touching ready-to-eat food before cooking; garnishing beverages; and washing fruits and vegetables. (Please see attached Q&A)

POLICY OR PROGRAM CHANGE: Yes No

OPERATIONAL IMPACT ASSESSMENT: N/A

COST OF TOTAL PROJECT: N/A

RELATED ANNUAL OPERATING COSTS: N/A

SOURCE OF FUNDS: N/A

CITY: N/A

NON CITY: N/A

ACTSHEET PREPARED BY: Scott E. Holmes, MS, REHS, Manager Environmental Public Health Division

DATE: 3/15/16

REVIEWED BY: Judith A. Halstead, MS, Health Director

DATE: 3/15/16

**Proposed Update to LMC 8.20 Lincoln Food Code
Preventing Contamination from Hands
Questions & Answers
February 26, 2016**

Why is this change being proposed?

The Lincoln-Lancaster County Health Department is proposing to amend Lincoln Municipal Code 8.20 Lincoln Food Code to include a new section on Preventing Contamination from Hands. The intent of this change is to improve public health protection by reducing the incidence of foodborne illnesses due to norovirus and other organisms that can be spread from contaminated hands to food. According to the US Centers for Disease Control and Prevention (CDC), norovirus is the #1 cause of foodborne illness in the United States, causing over one-half of all foodborne illnesses. Norovirus is spread to food from contaminated hands. The main cause of norovirus outbreaks in food establishments is an ill employee handling ready-to-eat food with their virus contaminated bare hands. There are hundreds of foodborne norovirus outbreaks confirmed every year in the U.S. affecting thousands of people. CDC's data indicates that 1 person in 6 gets sick from foodborne illness each year. Applying this estimate to Lincoln, the Health Department estimates that about 50,000 people get sick each year from eating food, with about one-half (25,000) from norovirus. Commercially prepared food is estimated to cause 40 to 60% of all foodborne illness outbreaks.

Over the last several years, the Health Department investigated over a dozen foodborne outbreaks caused by norovirus. Events involving large numbers of people (wedding parties, catered events, or group gatherings) are the most common situations in which norovirus outbreaks have been confirmed. The vast majority of these large outbreaks have involved ill food handlers contaminating food with their bare hands.

How severe is norovirus?

Most people that get norovirus have vomiting and diarrhea for 24 to 48 hours, but then recover quickly. However, young children, older adults and people with compromised immune systems, such as those being treated for cancer or taking certain medications, can become very ill. CDC reports that norovirus is the second leading cause of hospitalization and the fourth leading cause of deaths associated with foodborne illness outbreaks.

How will this new ordinance protect the public from foodborne illness?

Requiring no bare hand contact with ready-to-eat food, except under specific circumstances, will reduce the potential for an ill food handler to transfer norovirus, Hepatitis A and other causes of foodborne illness from their hands to food served in licensed food establishments.

What is being proposed?

The Lincoln-Lancaster County Health Department is proposing to amend Lincoln Municipal Code 8.20 Lincoln Food Code to include a new section on Preventing Contamination from Hands based on the 2013 FDA Food Code, with some modifications. This new section would be more strict than the provisions found in the Nebraska Food Code on handwashing (Neb. Rev. Stat. §81-2,272.10 Food employees; hand washing; food contact; restrictions), which has a less protective requirement - minimizing bare hand contact with ready to eat

foods. In essence, the standard for preventing food from being contaminated by hands would change from “minimizing bare hand contact” to “no bare hand contact” with ready-to-eat foods unless additional protective actions/policies are implemented. Three specific exceptions would be allowed: touching ready-to-eat food before cooking; garnishing beverages; and washing fruits and vegetables.

How will the approval process work for facilities wanting to have bare hand contact with food?

A food establishment that wants to allow bare hand contact with ready-to-eat food would be required to have a written plan. The plan must include having food handlers trained to wash their hands twice before touching ready-to-eat food and implement at least one additional action to reduce the risk of transmitting contamination to food by bare hands. Actions may include hand sanitizer, nail brushes, or incentive programs that encourage employees to not work when ill. Health Department food inspectors would be authorized to approve the written plan.

Who reviewed this proposed change?

In December 2014, the Board of Health’s Food Advisory Committee approved a work group to evaluate the no bare hand contact policy and to define a protocol for establishing when and how it should be enforced. Members of the work group consisted of: several Food Advisory Committee members, including Jim Partington, Executive Director of the Nebraska Restaurant Association, and Kathy Siefken, Executive Director of the Nebraska Grocery Industry Association; other representatives of the food industry (i.e. fast food, bars, grocery stores, full service restaurants, and bakeries); academia, and other interested parties. The work group met four times, developed a proposed new code, and presented it to the full Food Advisory Committee on December 18, 2015. The Food Advisory Committee approved the code with a unanimous vote.

In January 2016, all owners of licensed food establishments and Food Managers were mailed the proposed Food Code section and invited to provide feedback by attending one of two meetings, email, or phone. In February, 2016 two public meetings were held, which attracted 41 attendees, who were a diverse mix of food establishment owners and Food Managers. Health Department staff presented a brief history of how the code was developed and went over the proposed code. Feedback was encouraged and good discussion occurred at both meetings. Questions were asked about the code, mostly focusing on how it would be implemented. No one stated any opposition to the proposed code.

In March 2016, the proposed ordinance was taken to the Lincoln-Lancaster County Board of Health for their review and consideration.

Source: Scott E. Holmes, MS, REHS, Lincoln-Lancaster County Health Department, Environmental Public Health Division Manager, and Justin Daniel, REHS, CPFS, Environmental Health Supervisor, Food Safety Program