

WASHINGTON STATE BOARD OF HEALTH

Date: October 13, 2020

To: Washington State Board of Health Members

From: Keith Grellner, Board Chair

Subject: Rules Hearing – Chapter 246-215 WAC, Food Service

Background and Summary:

Chapter 246-215 WAC, Food Service, established standards and requirements to safeguard public health and ensure consumer food is safe, unadulterated, and honestly presented. The State Board of Health (Board) last updated the Food Service chapter in 2013. In July 2018, the Board filed a CR-101, Preproposal Statement of Inquiry (WSR 18-14-085), to initiate and explore updates to the food service rules. Among other needs, the update provides an opportunity to address changes in state food laws in recent years, and to consider the food safety standards in the most recent version (2017) of the U.S. Food and Drug Administration's model food code.

Staff from the Washington Department of Health (Department) have coordinated the rulemaking, relying on the agency's Food Safety Advisory Council (FSAC) for ongoing stakeholder input along with added outreach to local health jurisdictions and other interested parties via public workshops, webinars, and other means. Department staff updated the Board on the rulemaking in June 2018 and August 2019 and most recently provided a briefing during the Board's April 2020 meeting. Department staff have also provided numerous updates to the Environmental Health Committee throughout the rulemaking process.

The CR-102, Proposed Rule, was filed on July 22, 2020 as WSR 20-15-157. The proposed changes include, but are not limited to, the following topics:

- Establishment of a certified food protection manager;
- Requirements to notify employees of reportable illnesses, including norovirus and all types of Salmonella;
- Written plans for vomit and diarrheal cleanup;
- Bare hand contact with ready-to-eat foods;
- Date marking for 7-day shelf life of certain foods;
- Refilling reusable, consumer-owned containers;
- Dogs in outdoor and certain indoor areas;
- Mobile food units;
- Donated foods; and
- Food-specific changes (e.g., temperature of ground meats, prevention of allergen cross-contact as it related to fish).

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The rulemaking timeline for this project has had to be extended by several months to adjust for the COVID-19 pandemic, and certain FSAC members, as well as stakeholders from the regulated community, have expressed a strong desire to delay implementation of a revised Food Service rule to account for the pandemic's impact on the food service industry.

Susan Shelton, Food Safety Program Public Health Advisor for the Department, will provide a brief description of the key policy changes in the proposed rule, share a summary of the comments that were received on the proposed rule, and provide staff recommendations on how to address the comments. Following the presentation, we will hold a public hearing on the rule and discuss the proposed changes.

Recommended Board Actions:

The Board may wish to consider, amend if necessary, and adopt the following motion:

The Board adopts the proposed amendments to chapter 246-215 WAC as published in WSR 20-15-157 with any revisions agreed upon at today's meeting and directs staff to file a CR-103 and establish an effective date.

Staff

Kaitlyn Donahoe

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