



# Washington State Board of Health

Rulemaking Petition, Food Service, chapter 246-215 WAC

June 8, 2022



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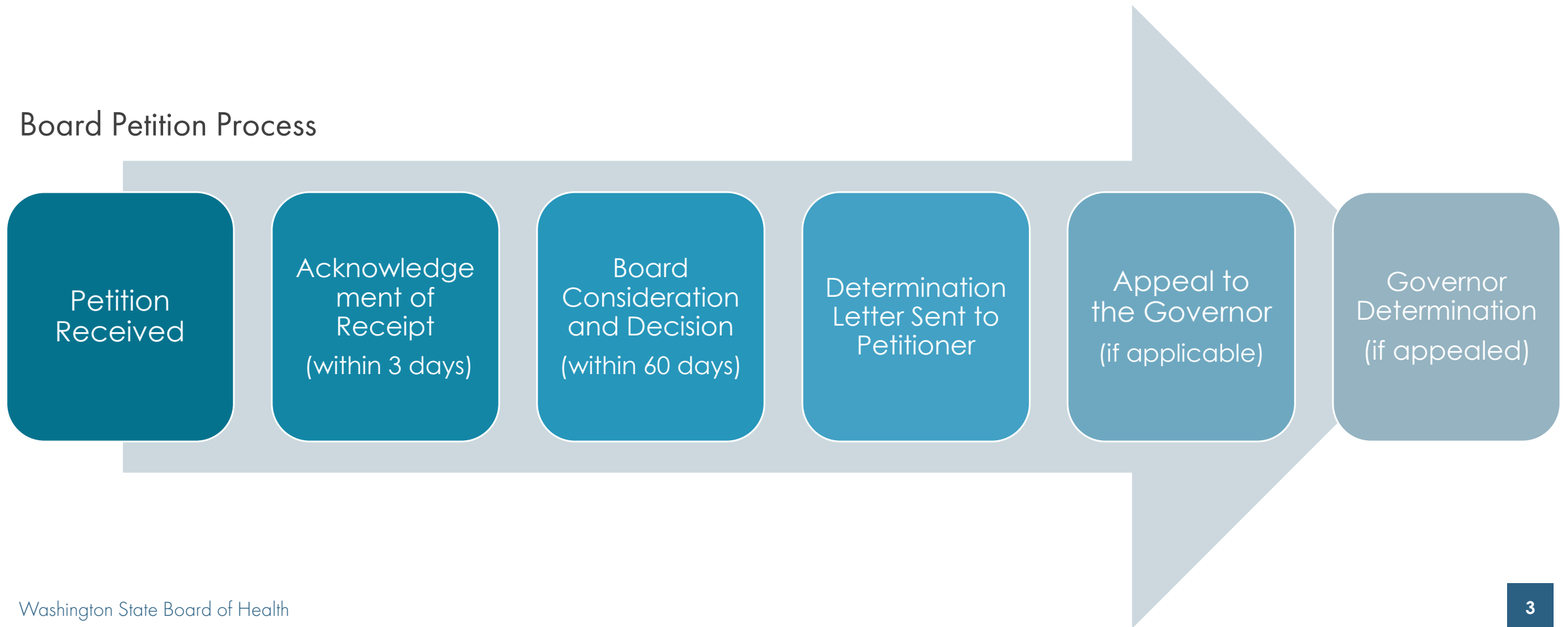
## Policy Advisor, State Board of Health



# Background

Under the Administrative Procedures Act, any person may petition a state agency to adopt, repeal, or amend any rule within its authority.

## Board Petition Process





# Petition Request

- On April 11, 2022, the Board received a petition for rulemaking requesting the Board adopt a rule to require food handlers wear a mask at all times.
- The petition states that the rise of assembly line-style food preparation results in the spread of food handlers' bodily fluids on food, and that it would be prudent to require food handlers to wear a mask at all times to protect the public's health.





# Food Service Rules

- Chapter 246-215 WAC outlines requirements for food establishments to safeguard public health and provide consumers food that is safe, unadulterated, and honestly presented
- Includes provisions on employee health and hygiene, sanitization, and contamination of food, and more in alignment with the 2017 FDA Food Code
- Does not require food handlers to wear masks or face coverings to prevent spread of foodborne illnesses



# Pathogens Transmitted by Food per CDC

The CDC maintains a list of pathogens transmitted by food contaminated by infected persons who handle food, and modes of transmission of such pathogens:

- *Astroviruses*
- *Bacillus cereus*
- *Campylobacter jejuni*
- *Clostridium perfringens*
- *Cryptosporidium species*
- *Entamoeba histolytica*
- Enterohemorrhagic *E. coli*
- Enterotoxigenic *E. coli*
- *Giardia intestinalis*
- Hepatitis A virus
- Nontyphoidal *Salmonella*
- Noroviruses
- Rotaviruses
- *Salmonella Typhi*\*
- Sapoviruses
- *Shigella species*
- *Staphylococcus aureus*
- *Streptococcus pyogenes*
- *Taenia solium* - cysticercosis
- *Vibrio cholera*
- *Yersinia enterocolitica*



# DOH Recommendation

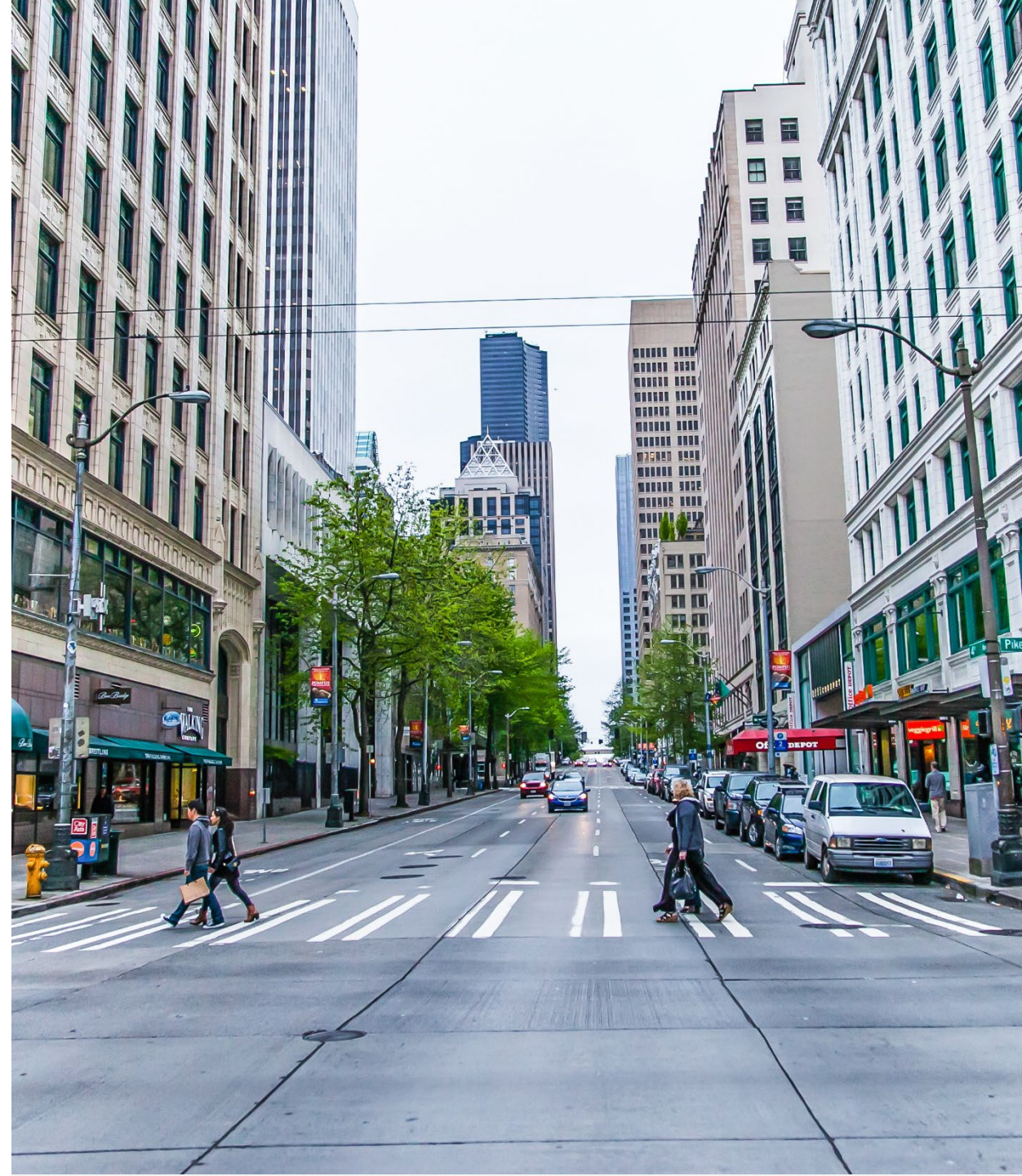
- The Department recommends the Board deny the petition
- A primary intent of the Food Service rules are to prevent the spread of foodborne illnesses
- Respiratory diseases are not transmitted through food and are not considered a foodborne disease
- The Department recommends exploring the Board's and other public health partners' regulatory authority and mitigation strategies to prevent and control respiratory illness both in and beyond indoor food establishments





# Considerations

- Currently no known foodborne illnesses are spread via droplets from the mouth or aerosolized saliva that masks or face coverings would be effective in preventing, including the CDC's 21 pathogens
- Concerns regarding the prevention and spread of communicable diseases via the respiratory tract should consider all indoor environments, not limited to food establishments





# Considerations (cont'd)

- The Board has broad authority to prevent and control communicable disease
- There are many tools in the public health toolbox to mitigate the spread of respiratory illnesses
- The Board may wish to further explore current regulations and authorities to preserve public health more broadly
  - Staff can provide information at a future meeting





# Board Discussion

**Would the Board consider accepting or denying this petition?  
Why or why not?**

Discussion and justification for the Board's decision will be included in the Board's determination letter to the petitioner.



# | THANK YOU