

AGENDA



Thursday, September 25, 2008

**Health and Human Services
RECOMMENDATION FOR COUNCIL ACTION**

Item No. 28

Subject: Approve an ordinance amending Chapter 10-3, Food and Food Handlers, of the City Code by amending Chapter 10-3, Article 2, Food Manager and Food Handler Certifications; creating offenses and providing penalties. Related to Item #69.

Fiscal Note: There is no unanticipated fiscal impact. A fiscal note is not required.

For More Information: Philip Huang, M.D., M.P.H., Medical Director, 972-5408; David B. Lopez, Manager, HHSD Environmental and Consumer Health Unit, 972-5687; Linda Terry, Agenda Coordinator, 972-5023.

BACKGROUND

Since the early 1980s, the Austin City Code has required a Certified Food Manager Certificate to be held by one employee per food establishment. The growth of the food industry, the high turnover rate of the food industry workforce, new and emerging pathogens, and an increase in high risk populations combine to make guaranteed training of all front line employees on the safe and sanitary handling of food important.

In the spring of 2007, the Texas Department of State Health Services (DSHS) proposed new legislation that became effective October 1, 2007, which established the required curriculum and standards for the Food Handlers Certificate. The City Code refers to these regulations in setting local requirements. The Food Handler training is a 2-hour course focusing on hand washing, employee health, and critical food temperatures. Cities throughout the nation, including many in Texas, have acknowledged the need for additional training of food handlers by adopting a requirement for Food Handler registration.

The Austin/Travis County Health and Human Services Department (HHSD) has investigated several food-borne illness outbreaks caused by improper hand washing by food employees. The proposed amendments to the code would require all food handlers to have basic training in proper hand washing and food temperature control, which are two of the largest risk factors in food-borne illness transmission.

HHSD scheduled and conducted meetings with industry representatives early in 2008, and held public hearings on January 23 and February 21, 2008 regarding new food handler registration requirements. Letters and e-mails were sent to the Greater Austin Restaurant Association, Austin Retailers, the Hotel /Motel Association, Asian Chamber of Commerce, Hispanic Chamber of Commerce, GAMA and the Texas Retail Grocer's Association.

HHSD recommends that the Austin City Council amend the provisions of Chapter 10-3 of the City Code and adopt the requirement for a Food Handler's Registration by all food handlers. The changes in the Code can be categorized as follows:

IMPACTS

Fee Impacts include (a) an estimated \$150,000 would be collected throughout the first year of this program. (b) Costs of this program would include two administrative support temporary employees to issue the cards, collect fees, and maintain records and their associated operating expenses. Funding of \$70,000 has been approved in the FY09 Proposed Budget for these costs. (c) HHSD will contract with

outside vendor(s) [see related purchasing item] that will rebate to the City a portion of their cost to provide the necessary training online or through classroom training. This arrangement allows HHSD staff to focus on inspections. (d) The projected revenue is a conservative one based on rebates from contractors of at least \$10.00 per student. The food certification requires retraining every two years. (e) Registration for food handling from an outside vendor not contracting with the City will also be \$10.00 for up to a two-year time period.

Operational Impact for Food Establishments: (a) The proposed Food Handler Registration (FHR) will not take the place of the Food Manager Certificate (FMC). The Texas Food Establishment Rules' (TFER) definition of "food establishment" includes both retail and food service establishments and the rules are the same for both types of businesses. (b) Exemptions for FHR will mirror the exemptions already in the code for FMC. (c) The FHR will be issued to individuals enabling them to work in a food establishment after completing a 2-hour class on food handling procedures to include proper temperatures, personal hygiene, and hand washing as approved by the State of Texas. (d) Enforcement will be phased in to allow food enterprises to come into compliance and to ensure training opportunities are available. (e) Amendment to section 10-3-31 is required to exempt Temporary Food Establishments from having a Food Manager Certificate. (f) Addition of Section 10-3-34 sets forth the FHR requirements. (g) Amendment to Chapter 10-3, Article 3. Permits 10-3-61 (B)(1)(a): an operational permit is not required for a group residence with not more than 5 residents. (h) Amendment to Chapter 10-3, Article 3. Permits 10-3-61 (B)(1)(b): an operational permit is not required for a group residence with not more than 24 residents if all food is bought and prepared by the residents. (i) Amendment to Section 10-3-211 creates offenses and provides penalties regarding failure to comply with FHR requirements.