



TO: Robert W. Healy, City Manager
FROM: Claude-Alix Jacob, Chief Public Health Officer
DATE: November 23, 2010
SUBJECT: Response to Policy Order #10, adopted 10/4/10

Text of Order: That the City Manager be and hereby is requested to confer with the Department of Public Health and request from them a report back on the new food allergy guidelines and what impact it will have on the food industry in Cambridge; and be it further that the City Manager be and hereby is requested to report back to the City Council on this matter.

In January 2009, Gov. Deval Patrick signed into law the Food Allergy Awareness Act. The purpose of the Act is to minimize risk of illness and death due to accidental ingestion of food allergens by increasing restaurant industry and consumer awareness of regulations and best practices with respect to major food allergens.

In March 2010, the Cambridge Public Health Department submitted written testimony in support of the Massachusetts Department of Public Health's proposed food allergy awareness regulations. The state health department promulgated the regulations in June 2010.

Establishments Affected by the Food Allergy Awareness Act

The Act requires that certain food establishments comply with regulations developed by the Massachusetts Department of Public Health. The regulations apply to:

- All food establishments that cook, prepare, or serve food intended for immediate consumption, including bakeries and supermarkets.
- Public and private schools, educational institutions, summer camps, child care programs that do not participate in USDA child nutrition programs.

Exemptions: Public and private schools, educational institutions, summer camps, child care programs that do participate in USDA child nutrition programs are exempt, provided that they have written policies and procedures for identifying, documenting, and accommodating students with food allergies, and documentation verifying participation in food allergen training recognized by the Massachusetts Department of Elementary and Secondary Education and MDPH.

Requirements for Food Service Establishments

As of October 1, 2010, all food service establishments impacted by the new regulations must:

- Prominently display an approved food allergy awareness poster in the staff area of the establishment. The approved 8½ X 11 poster is free and available for download at: www.mass.gov/Eeohhs2/docs/dph/environmental/foodsafety/food_allergen_5_poster.pdf.
- Include a clear and conspicuous notice on all printed and electronic menus that states: "Before placing your order, please inform your server if a person in your party has a food allergy." Alternative language is not allowed. In lieu of reprinting menus, establishments can affix a label with this text on menus. The same notice must appear on all menu boards or at each point of service where food is ordered.

For more detailed information about these requirements, see:

www.mass.gov/Eeohhs2/docs/dph/environmental/foodsafety/food_allergen_3_reg_faqs.pdf.



As of February 1, 2011, all food service establishments impacted by the new regulations must:

- Have on staff a certified food protection manager who has been issued a Massachusetts certificate of allergen awareness training. Food protection managers will receive certification after viewing a 30-minute food allergen training video, which is available online on the websites of the state's approved vendors or can be viewed in a classroom setting. Class dates and locations are available on the websites of the approved vendors:

Berkshire Area Health Education Center

www.berkshireahec.org

CompuWorks Systems, Inc.

www.compuworks.com

Massachusetts Restaurant Association

www.marestaurantassoc.org

Note: As of November 17, 2010, the video was available online through the CompuWorks Systems and Berkshire Area Health Education websites.

The fee is \$10 for either the online or classroom training.

Implementation in Cambridge

The Act gives the authority for enforcement of the food allergy awareness regulations to local boards of health as the primary agencies responsible for enforcing the State Sanitary Code. In Cambridge, the enforcing agency is the city's Inspectional Services Department (ISD).^{*} The Cambridge Public Health Department will provide technical assistance, as needed.

In August 2010, the Inspectional Services Department mailed a letter regarding the regulations to all affected food service establishments in Cambridge. The packet included a copy of the regulations and the approved food allergy awareness poster. On September 28, ISD sanitary inspectors attended a training offered by the Massachusetts Department of Public Health's Bureau of Environmental Health on enforcement of the new regulations.

During its routine inspections of food service establishments, ISD staff now reports if establishments are in compliance with the first phase of the regulations (which took effect October 1, 2010) by marking the "allergen awareness compliance" checkbox on the state's food service establishment inspection report form. If a food service establishment is found in non-compliance with the regulations, the violation is considered a "critical item" and would require correction within 10 days. Fines and other enforcement actions available under 105 CMR 590.000 may be used to achieve compliance.

To comply with the second phase of the regulations (which take effect February 1, 2011), designated food service personnel can receive certification online or by attending a classroom training offered by one the state's three approved vendors. In addition, ISD, in partnership with one of the approved vendors (CompuWorks), will be hosting two training sessions for Cambridge food service personnel who are not able to complete the online training.

^{*}As a result of a 1983 Memorandum of Agreement, the City of Cambridge Inspectional Services Department assumes responsibility for several major categories of public health code enforcement. These include restaurant inspection, housing inspection, and other specific violations of the State Sanitary Code. The Cambridge Public Health Department supports this code enforcement as needed, and pursues enforcement and investigation not explicitly stated in the State Sanitary Code.