**Conference for Food Protection**

**2012 Issue Form**

**Internal Number: 064**

**Issue: 2012 I-039**

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| **Council Recommendation:** | Accepted as  Submitted |  | Accepted as Amended |  | No Action |  |
| **Delegate Action:** | Accepted |  | Rejected |  |  |  |

*All information above the line is for conference use only.*

**Title:**

Addition to Section 8-4 Inspection and Correction of Violations

**Issue you would like the Conference to consider:**

The FDA Food Code recognizes that the results of restaurant inspections are public documents and should be available for public review. However, complex rules regarding public access create difficulty for consumers who wish to consider inspection results.

**Public Health Significance:**

Consumer access to the results of these inspections plays an important role in maintaining the efficacy and credibility of the inspection system, and allows consumers to consider critical food safety information when making restaurant choices. Recent data show that nearly half of all foodborne illnesses are contracted from food prepared outside the home. Although food establishments are routinely inspected, the results of those inspections are not readily available to consumers-who thus have no way of minimizing their risk by knowing how an establishment performed on its most recent food safety assessment. In some jurisdictions, consumers must submit a formal Freedom of Information Act request to the regulatory authority to access an inspection report. The addition of the following language to the 2009 FDA Food Code will ensure public access to inspection results at the food establishment, improving consumer access and decision-making, without placing any additional or undue burden on food establishments. For more information, see

http://www.cspinet.org/dirtydining/index.html.

**Recommended Solution: The Conference recommends...:**

that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended by adding language as follows:

**8-403.50 Public Information**.

Except as specified in § 8-202.10, the regulatory authority shall treat the inspection report as a public document and shall make it available for disclosure to a person who requests it at the FOOD ESTABLISHMENT and otherwise as provided in law.

**Submitter Information:**

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It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.