

**Conference for Food Protection
2012 Issue Form**

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Council Recommendation:	<input type="checkbox"/> Accepted as Submitted	<input type="checkbox"/> Accepted as Amended	<input type="checkbox"/> No Action	<input type="checkbox"/>
Delegate Action:	<input type="checkbox"/> Accepted	<input type="checkbox"/> Rejected	<input type="checkbox"/>	

All information above the line is for conference use only.

Title:

Amendments to Public Information and Public Posting

Issue you would like the Conference to consider:

Rigorous health inspections are a critical component of an effective food safety system. 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, compared with only 20 percent linked to home-prepared food. Although food establishments should be 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 Model 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 modified by adding new language in underlined format to Part 8-4 Inspection and Correction of Violations as noted below:

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.

8-403.51 Public Posting.

The REGULATORY AUTHORITY shall make available the results of the inspection report by requiring the timely posting of the most recent inspection results in a clear and legible form at the entrance, front window, or similarly prominent consumer-accessible area of the FOOD ESTABLISHMENT. Results may be posted in the form of a letter grade, numerical score, or other form as determined by the REGULATORY AUTHORITY.

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