**Conference for Food Protection**

**2020 Issue Form**

**Issue: 2020 I-019**

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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.*

**Issue History:**

This issue was submitted for consideration at a previous biennial meeting, see issue: 2018-I-031; new or additional information has been included or attached.

**Title:**

Storage in Toilet Rooms

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

Amend Food Code 3-305.12(B). 4-401.12(A)(2), and 4-903.12(A)(2) from Core to the appropriate Priority Foundation designation.

**Public Health Significance:**

Currently, storing food in a toilet room has the designation as a 'Core' violation. We have the opportunity to address potential contamination from the top source of Food borne Illness in a more proactive manner. By changing the way food and single-service items are stored, we are shutting down a major pathway of pathogenic contamination.

Norovirus, which as you know is the leading cause of Foodborne illness (58% of cases) in the United States. CDC states that by 5 years of age, an estimated 1 in 287 of children will be hospitalized, 1 in 14 will visit an emergency room, and 1 in 6 will receive outpatient care for norovirus illness; costing an average of $2 billion per year. (https://www.cdc.gov/norovirus/trends-outbreaks/burden-US.html) 22% of those are directly tied to a commercial kitchen. (https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6361381/) It is a highly contagious virus that requires as few as 10-18 particles to get a person sick. It has the ability to re-infect by remaining on hard surfaces, many weeks after initial contamination. It states directly from the Food Code Annex : "A recent study has also shown that the bathroom environment was identified as a major reservoir of human Norovirus, even in the absence of an ill individual on site. Studies have shown that Norovirus can survive on fomite surfaces for up to at least 5 days at room temperature and that routine cleaning, without a disinfectant specifically to address Norovirus, may be ineffective in eliminating its presence on fomite surfaces and can even serve as a means of spreading the virus to other fomites."

The first place a sick person will retreat to (if they are so lucky) will be the toilet room. If this bathroom is a shared bathroom with customers and employees, management might not be privy to outside use by customers who are sick. Research shows that asymptomatic individuals may play more of a role in the transmission than previously thought. (https://www.thelancet.com/journals/eclinm/article/PIIS2589-5370(18)30026-9/fulltext)

Employees may not know they have the virus initially, as most do not have sick time pay. Should disinfection of the contaminated area not occur immediately, one study show that the virus particles associated with "toilet plume" be spread even after 6 flushes.(https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4692156/) Storing food, sanitized equipment, linens, single-service and single-use articles in these areas would be directly affected.

A proactive approach to preventing further contamination would be designating the aforementioned violations as Priority Foundation. This will accomplish two objectives directly related to food safety. It communicates the importance of minimizing risk to managers and employees. Also, it gives regulators leverage to have these violations corrected sooner than 90 days, although realistically most cores will be addressed during the next routine inspection. If the issue still isn't fixed, it can take up to 3 repeats, which is up to 1.5 years after the initial time it was observed and noted during inspection. A Priority Foundation designation will require a fix within 10 days.

2-501.11 Clean-up of Vomiting and Diarrheal Events requires establishments to have written procedures to address vomiting or diarrheal events. If having the mere written documentation to minimize exposure of consumers, food, and surfaces is a Priority Foundation, then minimizing risk of initial exposure surely would be the same.

The following are priority violations that would be supported:

2-201.11 Responsibility of Permit Holder, Person in Charge, and Conditional Employees.

3-101.11 Safe, Unadulterated and Honestly Presented

3-301.11 Preventing contamination from Hands

**3-307.11(C)(D) Discarding or Reconditioning Unsafe, Adulterated, or Contaminated Food**

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

A letter be sent to FDA requesting amending the following sections of the most current addition of the Food Code from Core designation to Priority foundation (Pf) designation:

**3-305.12(B), Food Storage, Prohibited Areas** to (B) In toilet rooms Pf;

**4-401.11 Equipment, Clothes Washers and Dryers and Storage Cabinets, Contamination Prevention** (A)(2) In toilet rooms Pf;

**4-903.12 Prohibitions** (A)(2) In toilet rooms Pf:

**Submitter Information:**

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**Supporting Attachments:**

* "Quantitative Risk Assessment of Norovirus Transmission"

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.