

PROPOSALS FOR MODIFICATION OF THE ORDINANCE AND CODE REGULATING EATING AND DRINKING ESTABLISHMENTS¹

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Plans for the preparation of a revised edition of the *Ordinance and Code Regulating Eating and Drinking Establishments — 1943 Recommendations of the Public Health Service* are presented. The major proposals for changes or modifications of the current edition which have been submitted to the Public Health Service are discussed. It is emphasized that no final decision has been reached on these proposals and that they will be submitted to the PHS Food Establishment Sanitation Advisory Committee for its consideration.

A discussion of the actual changes to be made in the next edition of the *Ordinance and Code Regulating Eating and Drinking Establishments* (1) is not possible at this time, since the development of a new edition has not progressed to a stage which will permit the presentation of changes or modifications on which final decision has been reached. Therefore, it is proposed to present a brief summary of the history leading to the development of the current edition; plans for the preparation of either a revised or a completely new edition; the stage to which these plans have progressed; and some of the major proposals which have been made to the Public Health Service for the modification of the administrative procedures and technical provisions of the present edition of the ordinance and code.

The Public Health Service first became actively interested in the sanitation of eating and drinking establishments in 1934. In that year, in cooperation with the Conference of State and Territorial Health Authorities and the National Restaurant, Code Authority, a draft of suggested minimum standards was prepared for the consideration of the National Recovery Administration. These were never published.

In 1935, at the request of a number of State and local health officers for a suggested restaurant sanitation ordinance which might be adopted locally, the Service initiated the development of minimum sanitary standards for eating and drinking establishments. At that time, a detailed study was made of existing municipal ordinances and State regulations,

and comments were obtained from health agencies and restaurant operators. Following this, a tentative ordinance and code was issued in 1938 for trial use. This edition was critically reviewed by the PHS Milk and Food Sanitation Advisory Board, and a revised edition was issued in 1940, which was soon adopted by several hundred communities as well as by several States.

Experience in the enforcement of the 1940 ordinance brought additional suggestions for its improvement, and these suggestions were considered by the Advisory Board in 1942. As a result, the first printed edition of the *Ordinance and Code Regulating Eating and Drinking Establishments* was published in 1943. This is the current edition. It has been adopted by, or serves as the basis for the regulations of 30 States, 2 Territories, the District of Columbia, 692 municipalities, and 357 counties.

The need to revise the 1943 edition of the ordinance and code, or to prepare a completely new edition, has been apparent since the termination of World War II. In the last 12 years, there have been a number of technical advancements, as well as improvements in public-health practices, which must be recognized if the ordinance is to be kept up-to-date. Also, the additional experience gained by health agencies and restaurant operators during this period has brought to light needed modifications. In this connection, the first National Sanitation Clinic, held in Ann Arbor, Michigan, in 1948, under the auspices of the National Sanitation Foundation, considered the question of modifying the ordinance and code in light of technical developments and experience, and submitted a number of worthwhile recommendations.

In considering plans for development of the next edition, it was strongly felt that it would be desirable to broaden the base of advisory assistance to the Service, so that the ordinance and code would reflect to a higher degree the experience and viewpoints of State and local health agencies, the food-service industries, and national public health organizations. To broaden this base we thought that the

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following actions should be taken: (a) that the present PHS Advisory Board structure should be reorganized to provide broader representation from all of the groups mentioned above; (b) that throughout the development of the new ordinance and code, we should seek the views and assistance of the food-service industries concerned; and (c) that all States, and a representative number of cities and counties, should be requested to submit their views and recommendations on changes needed in the present edition, as well as their comments on the draft of the proposed new edition.

These matters were discussed with the Advisory Board, which recommended that the present board be dissolved and that separate categorical committees be established for milk, food establishments, and shellfish. Accordingly, preliminary steps have been taken to organize a Food Establishment Sanitation Advisory Committee consisting of 15 members—4 to represent State and local health agencies, 5 to represent national public-health and sanitation organizations (including a representative of the International Association of Milk and Food Sanitarians), 4 to represent the food service industries most directly concerned, and 2 members from educational institutions offering courses in public health or engaged in food sanitation research. The first meeting of this new committee will be held during the spring or summer of next year (1956). One of the first matters on which its advice will be sought will be whether the approach to the new edition should be through the development of a completely new ordinance and code, or the revision of the 1943 edition.

As regards industry assistance and support, a significant development took place in 1953. In that year, at the invitation of the National Restaurant Association and the National Sanitation Foundation, the Public Health Service joined with these groups in sponsoring a meeting of food-service industry and public health representatives to explore the possibilities of developing a national program for food protection. Two such meetings have been held, one in 1953 and another in 1954. As a result, a National Food and Beverage Council has been formed. One of the stated objectives of this Council is to stimulate the development of an ordinance and code which would provide uniformity in eating-place sanitation throughout the nation, and which would be mutually acceptable to industry and public health groups. The Executive Committee of the Council has expressed its willingness to help the Public Health Service in the development of such an

ordinance and code and, if a satisfactory code can be developed, to support its nationwide utilization. The Public Health Service is glad to have the assistance of this group.

Preliminary work on the development of a new edition was initiated in 1954. As would be expected, many proposals for changes had been received since the ordinance and code were published in 1943. These included proposals submitted by State and local health agencies, the food-service industries, national health and sanitation organizations, and the National Sanitation Clinic. The first step was to collate and codify these suggestions.

The next step taken was to request the food-service industries, all of the States, and, through the States, a small but representative number of municipalities and counties, to review the current edition and to submit their suggestions and recommendations for modifications. In view of the questions which had been raised in earlier comments covering the use of grading as an enforcement procedure, and the need for an interpretive code section, we specifically asked the States and communities for their comments on these two matters.

The response was most gratifying in that replies were received from 38 States, the Territories of Alaska and Hawaii, and 122 municipalities and counties. While many proposals were submitted, the majority of them related to the need for clarification and the need for incorporation of additional information based on research and technological progress. It was of interest that a large number of these comments related to a relatively few items, and that no changes at all were requested in many of the present provisions.

The time allotted for this paper will not permit the presentation of all proposals received. Therefore, mention will be made only of those calling for major changes or modifications, or those advocated by a majority of persons submitting comments. Wherever possible, the reasons for the changes, as submitted by the health agency, organization, or person submitting the proposal, will be given. It is reemphasized that these are proposals only, and that no final decision has been made on any of them.

Organization and Scope:

Four major proposals were received relative to the approach to be followed, organization, and scope. The first of these was that no attempt be made to re-

visé the 1943 edition, but that an entirely new ordinance and code be prepared. The Executive Committee of the National Food and Beverage Council, and some representatives of the food-service industries, favor this approach. They have advocated the development of a new document based on an over-all exploration of the total public-health problems as they exist today; evaluation of those activities which can best be controlled by law enforcement, as contrasted with education and self-supervision; specification of practical methods for preventing undesirable conditions, rather than the development of a list of conditions to be checked for satisfactory compliance; and the utilization of industry for the regular checking of sanitary conditions.

The second proposal is that, in the new edition, the interpretive code section, which now provides details as to "satisfactory compliance," be either omitted or restricted to recommendations only. As previously mentioned, we specifically requested the views of the States and selected communities on this point. Of the replies received, 29 States and 105 municipalities and counties favored retention or expansion of the interpretive material. No State advocated its deletion; however, three communities did so.

The third proposal relates to broadening the coverage of the present ordinance to include other types of retail food establishments such as grocery stores, meat and vegetable markets, bakeries, locker plants, etc. The Conference of State and Territorial Health Officers, the National Sanitation Clinic, 5 States, and 8 communities advocated this expansion of coverage. Also, in this connection, it has been requested that more detailed sanitation standards be developed for itinerant restaurants, mobile canteens, and industrial caterers.

Another major proposal, submitted by several States, communities, and individuals, was that an appendix be included in the new edition similar to that now contained in the 1953 edition of the suggested *Milk Ordinance and Code*. In this connection, one of the objectives of the National Food and Beverage Council is the preparation of a looseleaf manual which would provide information on new techniques and methods, research findings, efficacy of new products and devices, and other relevant material which would be of value to industry and health agencies alike. The development of such a manual by the National Food and Beverage Council would, in all probability, obviate the need for an appendix.

Administrative Procedures:

The following proposals have been received with

regard to modifying the administrative and enforcement procedures of the ordinance.

The current edition provides for two different forms of an ordinance—one, a grading type, which provides for enforcement by degrading or permit revocation, or both; the other a non-grading, minimum-requirements type, enforceable by permit revocation only. Some members of the food-service industry, and some health authorities, have recommended that the grading option not be included in the new edition. Of the 31 States submitting comments on this point, 20 favored retention of the optional feature, 7 favored a non-grading type of ordinance, and 4 preferred only the grading type. Of the 122 cities and counties which commented, 84 favored retention of the optional grading provision, 16 preferred a non-grading type, and 22 advocated that the enforcement procedures should be based solely on grading.

It has been proposed, also, that an additional method of enforcement be included which would permit the serving of a closing order due to failure to correct conditions detrimental to the public health concerning which the operator had already been advised by written notice.

Another suggestion of major significance relates to the inspection of establishments. It has been recommended that provisions be made to utilize, wherever possible, industry inspection as a supplement to official inspection.

The importance of training food-service personnel was recognized by many of those submitting comments, and some recommended that a new administrative procedure be included requiring food-handler training as a prerequisite for employment.

Two other suggestions received for modification of administrative and enforcement procedures were that a numerical scoring system be established as the basis for grading, and that the minimum number of official inspections per year be increased.

Wholesomeness of Food:

Because faulty methods of preparation, handling, storage, and refrigeration have been responsible for a considerable number of reported foodborne outbreaks, a number of recommendations were received to provide more specific requirements concerning these practices in relationship to certain foods. Among the most significant of these proposals are the following:

Requirements for refrigerated storage of perishable foods for daily use should be reduced from a maximum of 50° F. to 45° F. or less; and,

where such food is to be stored for a period of more than four days, the temperature should not exceed 40° F. Also, it has been proposed that the new code specify optimum storage temperatures for those foods which potentially are the most hazardous.

To promote rapid cooling, it should be specified that sandwiches and salad mixtures, and chopped, cut, boned, or left-over food should be promptly stored in refrigerators in shallow containers not to exceed 3 inches in depth, or other satisfactory means should be employed to insure prompt cooling of the entire food mass.

The temperature ranges within which warmed foods may be safely held should be determined with respect to growth of pathogens and the development of bacterial toxins, and should be incorporated as a requirement in the code. It should be specified that sliced, boned, hashed, or other cooked meats, certain salad and sandwich mixes, and certain pastries should not be kept at room temperature for more than 1 hour after preparation.

Provisions should be included requiring the thorough cleaning of hands, as well as all contact equipment, following the dressing, evisceration, or other preparation of uncooked poultry.

More specific provision should be made to protect foods from exposure to coughing, sneezing, or dust.

Another proposal, which would have considerable bearing on current food control practices, is that bacterial indices be established for those foods most frequently involved in disease outbreaks. Concern was also expressed by a number of State and local health agencies regarding the potential hazards involved in the increasing utilization of precooked frozen food items, including complete meals, which may be served after only a perfunctory warming. Several requests were received that the new ordinance and code contain provisions for the proper handling of these products.

Cleaning and Bactericidal Treatment of Eating Utensils and Equipment:

A large number of proposals were received for changes in the technical provisions concerned with the cleaning and bactericidal treatment of utensils and equipment. Some of these proposals are as follows:

Where manual dishwashing methods are used, the immersion time for bactericidal treatment should be reduced from 2 minutes to 30 seconds.

Three compartment vats should be required for hand dishwashing regardless of whether chemical germicides or hot water is used for bactericidal treatment. This change was advocated because of

problems encountered in maintaining proper temperatures in the hot-water-treatment compartment, the carry-over of organic matter and detergent, and to provide for tempering to reduce breakage.

Time, temperature, pressure, and volume requirements, for the various operational cycles of dishwashing machines of both the spray and immersion types, should be specified. Wash water temperatures of 140° F. to 160° F., and rinse water temperatures above 170° F., were recommended. In this connection, since the National Sanitation Foundation has developed standards covering the sanitary design, construction, and operation of spray-type dishwashing machines, it has been proposed that the basic criteria set forth in these standards be incorporated into the new code.

Additional information as to methods for effective cleaning and bactericidal treatment of large utensils and equipment, such as steam kettles, meat blocks, blenders, grinders, slicers, etc., has also been requested.

In addition, it has been requested that specific information be incorporated in the code on chemical bactericides and detergents suitable for use in both manual and mechanical dishwashing. It was also proposed that information be included on tests for evaluation of new proprietary compounds of these types, and for rapid field determination of the residual concentrations present in the use solutions.

Sanitary Design and Construction of Equipment:

A number of suggestions have been made to expand the present coverage of the code relating to sanitary design and construction criteria for utensils and equipment. In this connection, the NSF Joint Committee on Food Equipment and, to some extent, the 3A Sanitary Standards Committee for Dairy Equipment and the Baking Industry Sanitation Standards Committee are developing standards for specific items of equipment used in the food-service field, and it has been proposed that appropriate references to these standards be incorporated into the new code.

Physical Facilities:

Comments received with respect to such items as floors, walls, ceilings, ventilation, and cleanliness of premises appear to indicate the existence of two points of view. One view is that most of these items are of little public-health significance and are primarily an aesthetic consideration. The other view is that these items are necessary to the maintenance of cleanliness, and to control insects and rodents. A suggestion has been made that these differences in viewpoints might be resolved by specifying requirements for these items for kitchens, cafeteria

lines, and similar food preparation and service areas, and by modifying such provisions as they relate to dining and other areas.

The number of comments received on certain physical items, namely, lighting, toilet vestibules, and handwashing facilities, definitely indicate a preponderance of opinion for changes in these items.

It was recommended that the new code specify a lighting intensity of 20 to 25 foot-candles for all working surfaces, and a minimum of 10 foot-candles in all storage areas.

As regards handwashing facilities, many States and communities proposed that such facilities be required in the kitchen or food-preparation areas, as well as in, or convenient to, the toilet rooms.

In view of improved methods of fly control, many suggestions were made to eliminate the requirement for an intervening room or a vestibule, between toilets and rooms in which food is prepared, served, or

stored.

In conclusion, I would like to take this opportunity to express the sincere appreciation of the Public Health Service to those of you who submitted comments and recommendations for changes in the 1943 edition of the *Ordinance and Code Regulating Eating and Drinking Establishments*. The assistance which you have provided will be of great value in the development of the new edition. Also, as previously mentioned, the new edition will be submitted in draft form to all States, and to a representative number of municipalities and counties, for review and comment, in order that the PHS Food Establishment Sanitation Advisory Board may have the benefit of your experience and thinking before the new ordinance and code is finalized.

REFERENCES

1. *Ordinance and Code Regulating Eating and Drinking Establishments—1943 Recommendations of the Public Health Service*, PHS Publication No. 37.

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