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No. 6

NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE • WINTER 2003

WHAT'S INSIDE

Smoke-Free Legislation
Page 1

Bioterrorism Summary
Page 2

Common Violation
Page 2

New Health Code Amendments
Page 3

Just Ask Us
Page 3

Rat
Page 4

New Requirements
Page 4

This issue of Food Matters addresses:

- The new smoke-free legislation effective March 30, 2003
- The summary of a bio-terrorism brochure prepared by NYS Department of Health
- A common violation that can be avoided
- The new amendments to the New York City Health Code

Call (212) 280 9211 to suggest topics for future issues.

MAYOR SIGNS NEW SMOKE-FREE LEGISLATION

On December 30, 2002, New York City took a significant step to becoming one of the healthiest cities in which to live and work. To protect people from exposure to second-hand smoke on the job, Mayor Michael R. Bloomberg and the City Council amended the Smoke-Free Air Act (Local Law 47) to make virtually all places of employment in New York City smoke-free.

While the 1995 law guaranteed a safe, smoke-free work environment for some employees, it failed to protect many others, including restaurant staff and bartenders. Local Law 47 will close these loopholes and extend this protection to all workers, saving thousands of lives.

How Will the New Law Affect Me?

When this new law goes into effect on March 30, 2003, all food establishments, restaurants, catering

halls, bars (including bars in restaurants), bowling alleys, billiard halls (and other similar places) and membership associations will be affected. Those in violation will be subject to fines ranging from \$200 to as much as \$2,000 per violation based on the number of offenses. DOHMH may suspend or revoke the permit of an establishment that is found to be in violation of the law on three separate occasions within a 12-month period.

How Can We Prepare for the Coming Changes?

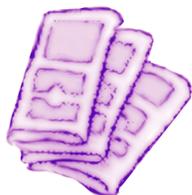
The Department intends to issue violations to any establishment that does not fully comply with the law. To get ready for the implementation of the new law:

- Post “no smoking” signs at all entrances as required including

- bathrooms, bulletin boards, the bar and other prominent places;
- Discuss the new law with employees including what they are responsible to do in compliance with the law;
- Remove all ashtrays from the premises as required;
- Talk with your customers about the law and prepare them for the coming changes;
- For information and compliance support call 1-877-NYC-DOH7 (1-877-692-3647). In addition, the Department’s Web site will be updated with the most current information.

While few exemptions exist, they will be very limited and carefully regulated by the Department. Information on specific exemptions is available at the DOHMH website—nyc.gov/health; information on how to register for these exemptions will soon be available.

SUMMARY OF NEW YORK STATE BIO-TERRORISM BROCHURE



There is a possibility that food might be used as a vehicle for the spread of biological or chemical agents as a part of a terrorist attack. As a food establishment operator, there are some steps you can take to reduce the risk that foods you serve contribute to the spread of foodborne hazards.

Become Informed:

The United States Food and Drug Administration (FDA) published extensive information guides for the food industry. This includes precautionary and emergency response measures for producers, processors, transporters and retailers. A copy of the guidance provided by the FDA and links to other important information regarding food safety and bioterrorism can be found at foodsafety.gov or by calling 1-800-SAFEFOOD

At The Back Door:

Know your suppliers and products.

- Purchase products only from reputable, established sources.
- Maintain purchase records with product identification codes whenever possible.
- Inspect deliveries carefully for signs of tampering or unusual physical characteristics. Knowing what is normal will improve detection of suspicious items.
- Contact suppliers if you have concerns about the appearance of a product or package. There may be an explanation.

- Bring all deliveries inside your establishment or otherwise secure them to prevent tampering.
- Restrict access to unloading and storage areas. Operations with many employees should consider ID badges coded to identify work areas.
- Keep all exterior storage areas locked when they are not under direct supervision.

In The Kitchen:

Know your employees.

- Require complete applications and check references. Conduct background checks as allowed by law.
- Restrict access to food preparation areas to authorized personnel. Investigate and /or report suspicious activity.
- Have an employee sick leave policy that encourages employees to report illness and not to report to work when they are ill with gastrointestinal symptoms or other communicable illnesses.

- Restrict personal items allowed in food preparation and storage areas, for example prevent workers from bringing lunch containers and purses into food handling areas.

Before preparation:

- Inspect stored food products for signs of tampering prior to preparation or service.
- Make sure any water source meets all NYS drinking water standards and is adequately protected.

- Thoroughly rinse all produce with drinking-quality water prior to preparation or service.

Salad Bar/Buffer Areas:

Customer self-service areas should be considered areas of high risk.

- Monitor self-service areas at all times.
- Minimize quantity of food on display. Discard remaining product that has been out for self-service.
- Whenever possible avoid mixing a new product with foods already on display.
- Train all employees to be alert for suspicious activity

and to report it to supervisors immediately.

Responding to an Incident:

Assist local officials in investigating sources of foodborne illness.

- Post 24-hour contact information for local, state and federal police, fire, rescue, government agencies near the telephone.
- Identify management personnel for employees to alert about potential security problems.

Food tampering is a crime. Do not handle or distribute products known or suspected to have been tampered with. If you detect such products, clear people from the area and notify law enforcement and the NYC DOHMH.

COMMON VIOLATION

Violation: Shellfish not from an approved source, improperly tagged or labeled; tags not retained for 90 days.

Shellfish, such as, clams, mussels and oysters are often eaten raw or lightly cooked. Because of this, it is critical that they are harvested from approved waters and distributed by reputable suppliers. Shellfish tags that identify the source of the shellfish and the supplier must be provided to

you when you purchase shellfish whether from a wholesaler or retailer. Shellfish must be kept in the original container with the tag attached until the product is either placed on display or completely used, after which time the tags must be kept on file for 90 days. As long as there is shellfish on your premises you must have its proper identification tag in your possession. Shellfish is associated with the virus Hepatitis A that causes the illness Viral Hepatitis.

<p>This tag is required to be placed on each container of shellfish for 90 days.</p>	<p>MUSSELLS PACKED BY ADDRESS APPROVED, S. I. Tel. ROBERT 7-0428</p>	<p>To Be Retained by Receiver for 90 Days. Packer's Cert. No. Ph. I. - 30</p>
	<p>Distributed By: _____ Address: _____ Packer's Cert. No. Ph. I. - 30</p>	<p>RESHIPPER'S CERT. NO. _____ DATES RESHIPPED _____</p>
<p>Shellfish Obtained From: Local Area - Dutch Island Harbor Bod No. - Natural Date _____</p>	<p>Shellfish Obtained From: Local Area - Dutch Island Harbor Bod No. - Natural Date _____</p>	<p>THIS PACKAGE CONSISTS OF MUSSELLS</p>

Food Service Establishments Required to Schedule Pre-Permit Inspections

The Board of Health amended section 81.05(c) of the New York City Health Code to require that the operator of a food service establishment or non-retail food processing establishment request a pre-permit inspection not less than 21 days before commencing operations. Before this amendment, an operator had merely to apply at least 21 days before starting operations and could actually commence operating without a permit on the 22nd day if the Department did not conduct an inspection.

Experience has shown that food establishments are frequently unprepared for an inspection during the 21 days following submission of an application. Data in fiscal year 2002 showed that 73% of permit applicants required multiple visits to complete their pre-permit inspections. The Code change requires that an appointment be made to allow the Department to conduct pre-permitting inspections on a date and time prearranged by the food establishment and the Department, thus reducing the incidence of multiple inspections.

JUST ASK PROGRAM

Since restaurants strive to provide customers with the best service possible, this new public awareness campaign called "Just Ask Us!" will add to that. The program is sponsored by the DOHMH with support from the NYS Restaurant Association. "Just Ask Us!" educates customers about the willingness of restaurants to modify recipes and portions to help them follow a healthy diet. When your menu says "Just Ask Us," patrons can check with their server about easy, tasty changes that can be made to keep their favorite meals low in fat or sodium.

As restaurant operators, you can contribute by promoting the program within your restaurant and ensuring that your

staff cooperates and accommodates any special requests. "Just Ask Us!" is unique in that it does not require menu changes. You are merely ensuring customer satisfaction. Through this program, restaurant patrons will be able to eat out and still maintain a healthy diet, and you will receive publicity and promotion.

All restaurants are invited to participate in the campaign at no charge. You will receive promotional material, including menu stickers, window decals and educational information for chefs and servers. Your establishment will also be listed as a "Just Ask Us!" restaurant in all published material.

If you are interested in learning more about "Just Ask Us!" or becoming a participating restaurant, contact Kate MacKenzie, nutritionist, DOHMH at kmackenz@health.nyc.gov, or (212)676-2141.

Food Service establishments requiring a pre-permit inspection may schedule one by contacting the Bureau of Food Safety and Community Sanitation at (212) 676-1600.

Food Protection Course Amendments: Mobile Units

The Board of Health amended Section 89.03(b) of the New York City Health Code to require all food vendors of mobile units to successfully complete a food protection course. No food vendor license will be issued after July 1, 2003, unless the applicant successfully completes a food protection course approved by the Department for food vendors. A review of the mobile food vending program has shown that a significant percentage of food vendors do not understand basic food handling and sanitary practices. It has been determined that requiring all mobile food vendors to successfully complete a food protection course that provides instruction on proper mobile food vending operations will minimize this public health risk.

The Board of Health amended Section 81.15(a) and (c) of the New York City Health Code to require certificate holders to retake course when necessary. Food protection certificate holders may be required to retake a food protection course when the Department finds continuing violations or whenever it is



necessary to do so to protect public health.

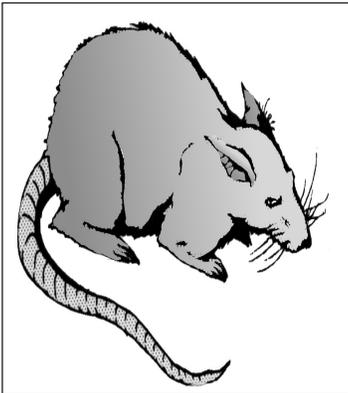
Minimum Fines Increased to \$200

The Board of Health amended subsection (a) of Section 3.12 of the New York City Health Code to increase the minimum penalty for any violation of the Health Code from one hundred dollars to two hundred dollars. Subsection (b) was amended to increase the penalty for operating without a required license, permit or registration authorized by the Department from two hundred dollars to one thousand dollars. It also added a new subsection (c) to inform persons who fail to appear at a hearing to answer a notice of violation that all fines will be doubled. The minimum fine was last set in 1990.

NB:

The DOHMH will no longer issue a warning for operating without a permit. Food Service establishments operating without a permit will be closed on the initial inspection.

WANTED: FOR CONTAMINATING HUMAN FOOD ...



Rodent Preferred Foods:

Foods high in protein and carbohydrates, but will eat almost anything. Water source can include toilets and condensation on pipes.

Signs of Infestation:

Tracks, urine stain, greasy rub marks along pathways, droppings 1/4-1/2 inch long. Burrow locations vary by species, but are commonly found near building foundations or inside attics and basements. Nests may be up to 150 feet away from food sources.

To Prevent Harboring this Vermin:

- ◆ Keep the outside of buildings free of piles of garbage, cardboard or other debris.
- ◆ Seal all outside openings that are 1/4 inch or larger, including space around utility pipes, soffit vents, etc.
- ◆ Fill large holes with steel wool or wire mesh before caulking them.

To Capture this Outlaw:

- ◆ Place traps along runways, with the trigger at a right angle to the wall.
- ◆ If using poison, place it in a tamper-proof bait station.
- ◆ Check traps and bait stations frequently.
- ◆ Do not touch dead rats with bare hands.
- ◆ Monitor traps and bait stations for at least a week after activity ceases.

Source: FOOD TALK Winter 2000

NEW REQUIREMENTS

During 1998, an amendment to the Health Code changed the temperature at which cold foods must be cooled, held, displayed and stored. The temperature was reduced from 45°F to 41°F to control the growth of some bacteria that are known to grow at 45°F, especially in respect to ready-to-eat foods.

At the time, a grace period of five years was given so that food service operators could

upgrade their refrigeration equipment to achieve this lower temperature. That grace period will end in a few months and as of July 1, 2003, all cold foods must be cooled, held, stored and displayed at 41°F.



If you have questions or comments regarding this newsletter, please call the Bureau of Inspections or the Health Academy. The telephone numbers are listed below.

If you wish to contact:

ADMINISTRATIVE TRIBUNAL

66 John Street, 11th floor, NY, NY 10038

☎ (212) 361-1000

BUREAU OF FOOD SAFETY & COMMUNITY SANITATION

253 Broadway, 12th floor, Box CN59A, NY, NY 10007

☎ (212) 676-1600

CITYWIDE LICENSING CENTER

42 Broadway, 5th floor, NY, NY 10004

☎ (212) 487-4436

HEALTH ACADEMY

160 West 100th Street, NY, NY 10025

☎ (212) 280-9211

INSPECTOR GENERAL

80 Maiden Lane, NY, NY 10005

☎ (212) 825-2141

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