

# Minnesota Environmental Health Association (MEHA)

**Position Paper: Food Licensing Exemptions HF 637 2011, SF 477 2011**

**Approved by the MEHA Board of Directors: April 12, 2011**

Minnesota House File 637, as introduced to the 87th Legislative Session (2011-2012), calls for food licensing exemptions for any event held in a property owned or leased by a church, in school concession stands, and for tax exempt sportsman, fraternal or patriotic organizations. It also permits the sale of home prepared food at such events. Additionally, this proposal eliminates licensing for youth camps and for pools on any of the exempt properties.

The Minnesota Environmental Health Association (MEHA) believes that this proposal weakens the preventive approach of Public Health by increasing public exposure to virus and bacteria in food and water that cause mild to severe illness, and for some, death. Correspondingly, it will increase the economic losses due to medical costs and lost work hours.

When licensing is not required, neither is food safety training for risk assessment and management, sanitation procedures, personal hygiene training, and allergen control, all critical for serving food safely. Recent studies demonstrate how critical violations are reduced when food handlers and food managers receive this important training. (Benjamin Chapman PhD, *Food Safety Magazine* December 2010/January 2011)

## **Absence of Risk Assessment and Management**

How will unlicensed food establishments learn about the common and unusual risks associated with a variety of foods from eggs, to cantaloupe, to cooked pasta? What temperatures are required to control many of these risks? These risks and steps to control them are studied in food manager certification classes. Furthermore, Chapter 2 of the Food and Drug Association Model Food Code and of the Minnesota Food Code requires that managers pass this information to cooks and food handlers within the licensed establishment.

## **Absence of Good Sanitation and Personal Hygiene Practices**

Using the correct procedures to prevent cross contamination and using the correct concentration of chemicals for cleaning and sanitizing are critical pieces of food safety. High concentrations of chemicals can leave toxic levels on utensils. Nationally, poor personal hygiene is a leading cause of foodborne illness. (*Emerging Infectious Diseases Journal*, 2010) Lack of such training will increase this risk.

## **Absence of Allergen Control**

Without proper training for food handlers, allergen control could be a life- threatening risk in unlicensed facilities.

## **Absence of Equality Among Food Providers**

How does a fully compliant, licensed restaurant or caterer compete with an unlicensed business operating from the church kitchen at the end of the block? How "fair" will it feel for vendors at the State Fair and county fairs to compete against an unlicensed church kitchen? Religious organizations are not exempt from fire inspections or from zoning

and building code requirements. Why should they be exempt from food safety requirements?

### **Absence of Equality for the Elderly, the Poor, the Children, and the Sick**

Churches operate many nursing homes, homeless shelters, day cares, private schools, and hospitals. HF 637 will remove all licensing and inspection requirements for these facilities. Persons served in these facilities are frequently vulnerable people who are the most susceptible to illness, requiring more medical care and hospitalization, increasing the financial burden to the community. Furthermore, unlicensed facilities will not be exempt from lawsuits; in fact, it may be much easier to prove neglect in such cases.

### **Increases Anticipated**

In the absence of licensing and the training with a professional approach to food and water safety, Minnesota can expect to see an increase from the 18 documented foodborne outbreaks (2004–2010) associated with church potlucks, suppers, fundraisers, and church school kitchens; school concession stands; and the American Legion events that exposed over 3000 people to illness. In March 2011 an outbreak of norovirus at a Mounds View church left 51 persons ill with vomiting, diarrhea, and fever; seven were hospitalized. (Minnesota Department of Health Epidemiology)

MEHA believes the people of Minnesota expect, and must feel confident, that the food they consume is safe for themselves and their children. To step backward is a disservice to all of the communities that we serve.

### **References**

2009 FDA Model Food Code; Minnesota Rules, Chapter 4626, Food Code, Food Managers

Chapman, Benjamin PhD, Food Safety for Food Handlers, *Food Safety Magazine*, December 2010/January 2011

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