



Testimony

of

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**New York City Department of Health & Mental Hygiene**

before the

**New York City Council Committee on Health**

regarding

**Intro 818: Requiring Posters with Information  
on Food Allergies in Food Service Establishments**

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250 Broadway, 16<sup>th</sup> Floor

New York, NY

Good morning Chairperson Rivera and members of the Health Committee. My name is Elliott Marcus, and I am Associate Commissioner of the Bureau of Food Safety and Community Sanitation at the Department of Health and Mental Hygiene. With me today is Robert Edman, Assistant Commissioner of the Bureau of Food Safety and Community Sanitation. On behalf of the Department, thank you for the opportunity to testify regarding Introduction 818.

The core mission of the Bureau of Food Safety is to protect the public health by permitting and overseeing the food safety practices of nearly 27,000 New York City food service establishments. Bureau inspectors reinforce the importance of food safety by monitoring a food service establishment's compliance with Health Code Article 81, and conducting risk-based inspections that examine practices that may cause food borne illnesses if performed incorrectly. They determine if potentially hazardous foods are adequately cooked using approved processes, making sure that hot foods are kept hot and cold foods are kept cold, and food is protected from contamination. Inspectors also spend a considerable amount of time educating food service establishment operators about food safety.

The BFSCS also promotes food safety through the Department's Health Academy, which certifies 18,000 people annually in food safety. Participants are required to spend five half days at the Academy learning about safe food preparation, health hazards, food-borne illness, pest control facility maintenance and New York City Health Code requirements. To assure an acceptable level of knowledge, all course participants must pass an Academy test to receive certification. To further promote the health and safety of food service establishments, the Department requires restaurants to have at least one person certified in food protection on-duty at all times of operation.

Food safety focuses largely on basic practices for sanitary food preparation and handling, rather than the needs of individual patrons. By contrast, food allergies are different for each individual and are therefore not something that can be easily regulated or monitored as a matter of general public health. However, DOHMH understands that for the estimated 12 million American food allergy sufferers who can have an allergic reaction,

ranging from minor itching to, in extreme cases, fatality, this is an important concern. This issue is compounded by the increasing number of Americans that eat outside the home and therefore have less control over the food they eat. Unfortunately, with a high volume of diners consuming food prepared for the general public, an unsuspecting diner with food allergies could be exposed to a food that provokes an allergic reaction. It was with this in mind that in 2008, the DOHMH added food allergy awareness as part of the food protection certification training provided at our Academy.

Introduction 818 requires food service establishments to display a poster advising restaurant workers and servers how to meet the needs of patrons with food allergies. Avoiding the allergen is the only way to prevent an allergic reaction, and requires the cooperation of patrons and food service establishment personnel. Awareness among food safety workers is a major step towards safe dining for individuals with food allergies. A poster of the type required by Intro 818 has the potential to reduce the number of allergic reactions resulting from prepared food by raising awareness and providing suggestions on how food service establishment workers can accommodate concerned diners.

While most food safety regulations are contained in the Health Code, the Administrative Code already includes provisions requiring food safety establishments to post information regarding choking prevention and alcohol consumption by pregnant women, therefore DOHMH has no objections to Introduction 818.

Thank you again for the opportunity to testify. I am happy to answer any questions you might have.