

# HOUSE BILL REPORT

## ESSB 6588

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**As Passed House:**

March 8, 2002

**Title:** An act relating to food service rules.

**Brief Description:** Requiring exclusive statewide food service rules for food service establishments.

**Sponsors:** By Senate Committee on Agriculture & International Trade (originally sponsored by Senators Rasmussen and Swecker).

**Brief History:**

**Committee Activity:**

Agriculture & Ecology: 2/26/02 [DP].

**Floor Activity:**

Passed House: 3/8/02, 90-6.

**Brief Summary of Engrossed Substitute Bill**

- Requires the State Board of Health to adopt updated food service rules by December 31, 2004, by which date the state board is granted sole authority to adopt food service rules.
- Allows local health departments to adopt certain deviations from the state rules to respond to public health or safety emergencies, but requires board review of the deviations.

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### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** Do pass. Signed by 10 members: Representatives Linville, Chair; Hunt, Vice Chair; Schoesler, Ranking Minority Member; Chandler, Delvin, Grant, Holmquist, Kirby, Roach and Sump.

**Staff:** Kenneth Hirst (786-7105).

**Background:**

The State Board of Health has adopted, by rule, standards for food service in this state. These rules regulate a wide range of activities and facilities in the food service industry

including: food supplies and protection; labeling; food preparation; temperature control; personal hygiene; the design, installation and cleaning of equipment and utensils; poison and toxic materials; pests and pest control; garbage and litter; and inspections, investigations, and enforcement. Local boards of health are authorized to adopt more stringent rules.

The Food Code of U. S. Food and Drug Administration (FDA) has been developed in conjunction with the Centers for Disease Control and Prevention and the Department of Agriculture's Food Safety and Inspection Service. The Code was first published in 1993 and has updated every two years.

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**Summary of Substitute Bill:**

Effective December 31, 2004, the State Board of Health is granted the sole authority to adopt food service rules for food service establishments. Its standards and rules are then exclusive for these establishments. The Department of Health has the exclusive authority to interpret the rules.

By December 31, 2004, the state board must adopt updated food service rules. It must report its progress to the Legislature by January 31, 2003. The state board must periodically review and update the rules in consultation with local boards of health and the regulated community.

A local board of health is not prohibited from adopting a temporary deviation from the state rules to respond to an emergency that threatens the public health or safety of the citizens of its community. The deviation may be in force for not more than 180 days, unless the state board grants a temporary or permanent extension based on demonstrated need. The state board must review such a local emergency action within 120 days after the action is taken to determine if the state board should adopt a state-wide rule.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** (1) This state needs to make sure the food served at grocery stores, restaurants, and fairs throughout the state is safe and that the training needed for doing so is uniform. (2) The bill requires the food service code to be updated over the next two and one-half years. It will strengthen the state's food safety policy. The federal food code can be used as a guide and there will be ample opportunity for all interests to be considered. (3) The food industry wants the safest standards. Basing the update on the

federal food code will make the state's requirements more stringent. (4) Uniform training is especially necessary for a business that has 26 restaurants and 2100 employees in several counties. A person with a food service permit in one county has to be re-trained in another county. College students may have one set of permit and training requirements for their summer job and another at school. Having a uniform code will allow managers to deal with one code book instead of several. (5) A store that is licensed for off-premises food service finds different requirements in the local counties it serves. A store owner who attempted to have outdoor seafood sales found a broad range of local interpretations in the Puget Sound area: two counties listed the activity as a low risk; one, a high risk; and another banned it altogether. Uniformity will help inspectors too: requirements may vary from one part of a city to another and from one inspector to another. (6) Local districts add requirements. When the industry in one county promoted using another county's self inspection program as a self-help tool, the county adopted the program but added a complicated federal program to the requirements. (7) King County's requirement that gloves be worn in preparing sushi made many customers angry; it violated culturally accepted ways of preparing the food. The requirement was altered, but the inspectors still created problems. We want to be able to educate employers on the proper handling of food and to educate inspectors on how to inspect.

**Testimony Against:** (1) The greatest cause for the diversity of requirements is the age of the state's code. Inconsistencies will begin to disappear as the state code is updated. Consistency is laudable, but probably not achievable. (2) Rather than preempting local health districts, allow them to tailor state requirements to local needs and cultural requirements. Uniformity will eliminate the ability to provide that tailoring. (3) If the new state code does not have a meat code, King County's meat code would be prohibited. (4) A state-wide permit system would eliminate the source of revenue local districts use to conduct safety inspections. (5) The state board has already started a process for updating the code. Where will the state get the money to deal with problems? It has only a few employees in food safety now.

**Testified:** (In support) Senator Rasmussen, prime sponsor; Brad Clausen, Great Western Dining; Sylvia Raves, The Place on Mud Bay; Amy Brackenbury, Washington Food Industry; Sandi Shaw, Hagen Food Store; Julie Boxer, Storman Foods; Jeanette Burton, QFC; Kim Clausen, Restaurant Association; Chris Siemans, Noodle Express; Tak and Mine Suetsugu, Japanese Restaurant Association.

(Commented): Brian Peyton, Department of Health.

(Against): Vicki Kirkpatrick, Washington State Association of Counties.