

MEMORANDUM

October 28, 2016

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *AMihill*

SUBJECT: **Action:** Bill 33-16, Eating and Drinking Establishments – Food Allergen Awareness Training and Resolution to Adopt Bill 33-16 as a Board of Health Regulation

Health and Human Services Committee recommendation (3-0): enact Bill 33-16 and adopt the Board of Health Regulation.
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Bill 33-16, Eating and Drinking Establishments – Food Allergen Awareness Training, sponsored by Lead Sponsor Councilmember Riemer and Co-Sponsors Councilmembers Leventhal, Katz and Rice, was introduced on August 2, 2016. A Health and Human Services Committee worksession was held on October 17.

Bill 33-16 would require certain employees of eating and drinking establishments to complete a food allergen awareness training course and pass a test and require the Department of Health and Human Services to provide a list of approved online and in person food allergen awareness training courses.

A companion Board of Health regulation, which will be considered by the Council simultaneously with Bill 33-16, is also a subject of today's worksession, is attached on ©4-5.

Summary of Public Testimony and Council staff comments

The Council has heard from many residents supportive of Bill 33-16, including a petition that was submitted with 122 signers from County residents and others outside of the County. Many of these residents have shared their personal experiences with food allergens and how those allergies impact their decision to eat out at restaurants (©11-29). The Council also heard from the City of Rockville, expressing support for the bill (©30).

The Montgomery County Chamber of Commerce (©34), Greater Bethesda Chamber of Commerce (©35-36), and Greater Silver Spring Chamber of Commerce (©37) submitted testimony that was not in opposition to Bill 33-16, but did express some concerns regarding the bill. Primarily, the Chambers were concerned that Bill 33-16 did not take into account the existing training requirements and their belief that rather than a separate training required by the bill, existing training via the ServSafe program (a training course provided by the National Restaurant Association) could be expanded to include food allergen training. **Council staff comments:** While Bill 33-16 would require certain employees to complete a training, nothing in the bill would require that it be separate from the training that employees already take – assuming that the training was on the Department’s approved list. If the ServSafe program is expanded to include appropriate food allergen training, then the Department may identify the ServSafe training as meeting the requirements of Bill 33-16. In fact, the Restaurant Association of Maryland (who submitted testimony that was not opposed to Bill 33-16) noted that there is a “ServSafe Allergens” training course (©33).

The Chambers raised another issue regarding ensuring that County-run food serve establishments and school cafeterias meet the same training requirements as restaurants. **Council staff comments:** Council staff has discussed this with Department staff who confirm that County and MCPS facilities must meet the same criteria as restaurants and therefore, Bill 33-16 and the accompanying regulation would similarly apply.

Finally, the Council received a letter from the Town of Laytonsville opposing Bill 33-16 (©32). The Town shared its view that the bill is “inadvisable” and an “over reach” that creates “an unfair burden on business in the County.” The Town shared its view that the responsibility for food allergies and reactions “should remain an individual responsibility” and should not be passed onto restaurants. **Council staff comments:** Neither Bill 33-16 nor the accompanying Board of Health regulation would transfer “responsibility” for food allergies to local restaurants. As many residents affected by food allergies noted in their public hearing testimony, individuals with food allergies must still be vigilant while dining out at restaurants. However, having food service employees trained in understanding the needs and risks of food allergies would be beneficial.

Committee recommendation (3-0)

At the Committee worksession, the Committee discussed enforcement of Bill 33-16 with staff from the Department of Health and Human Services. Enforcement of the bill is not expected to be overly burdensome. Additionally, the Committee confirmed with the Restaurant Association of Maryland that the Association did not oppose the bill. **The Committee recommended** enactment of Bill 33-16 and adoption of the accompanying Board of Health regulation.

This packet contains:

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F:\LAWBILLS\1633 Food Allergen Awareness\Action Memo.Docx

Bill No. 33-16
Concerning: Eating and Drinking
Establishments – Food Allergen
Awareness Training
Revised: 7/26/2016 Draft No. 3
Introduced: August 2, 2016
Expires: February 2, 2018
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Riemer
Co-Sponsors: Councilmembers Leventhal, Katz, and Rice

AN ACT to:

- (a) require certain employees of eating and drinking establishments to complete a food allergen awareness training course and pass a test;
- (b) require the Department of Health and Human Services to provide a list of approved online and in person food allergen awareness training courses; and
- (c) generally amend County law regarding eating and drinking establishments.

By adding

Montgomery County Code
Chapter 15, Eating and Drinking Establishments
Section 15-15B

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 15-15B is added as follows:

15-15B. Food allergen awareness training – required.

(a) An eating and drinking establishment that is required to be under the immediate control of a certified food service manager under Section 15-8 must have on the premises at all times when food is being prepared or served, an employee who has completed a food allergen awareness training course and passed a test approved by the Department.

(b) The Department must make available a list of approved online and in-person food allergen awareness training courses.

Sec. 2. Effective Date.

Section 15-15B, as added by Section 1 of this Act, takes effect July 1, 2017.

Approved:

Nancy Floreen, President, County Council

Date

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Bill 33-16

Eating and Drinking Establishments – Food Allergen Awareness Training

DESCRIPTION:	Bill xx-16 would require certain employees of eating and drinking establishments to complete a food allergen awareness training course and pass a test. The Bill would also require the Department of Health and Human Services to provide a list of approved online and in person food allergen awareness training courses.
PROBLEM:	Food allergens require an awareness by eating and drinking establishments to minimize potential risk to patrons with food allergies and to provide establishments with information so that employees can better respond to potential customer inquiries regarding food allergens.
GOALS AND OBJECTIVES:	To educate eating and drinking establishment employees on food allergens.
COORDINATION:	Department of Health and Human Services
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Amanda Mihill, Legislative Attorney, 240-777-7815
APPLICATION WITHIN MUNICIPALITIES:	To be researched.
PENALTIES:	A violation of Chapter 15 is a Class A violation.

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③

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE MONTGOMERY COUNTY BOARD OF HEALTH**

Lead Sponsor: Councilmember Riemer

SUBJECT: Resolution to adopt Bill 33-16, Eating and Drinking Establishments – Food Allergen Awareness Training as a Board of Health Regulation.

Background

1. County Code §2-65, as amended, provides that the County Council is, and may act as, the County Board of Health, and in that capacity may adopt any regulation which a local Board of Health is authorized to adopt under state law.
2. Maryland Code Health-General Article §3-202 authorizes the County Board of Health to adopt rules and regulations regarding any nuisance or cause of disease in the County.
3. On {DATE}, the Council held a public hearing on this regulation. As required by law, each municipality in the County and the public were properly notified of this hearing.
4. On {DATE}, the County Council enacted Bill 33-16, Eating and Drinking Establishments – Food Allergen Awareness Training. Bill 33-16 requires certain eating and drinking establishments to have on the premises at all times when food is being prepared or served, an employee who has completed a food allergen awareness training course and passed a test.
5. The County Council, sitting as the Board of Health, finds after reviewing the evidence in the record that requiring eating and drinking establishments to have on the premises at all times when food is being prepared or served, an employee who has completed a food allergen awareness training course and passed a test as required by this Regulation is necessary to protect the health of County residents.

Action

The County Council for Montgomery County, Maryland, sitting as the County Board of Health, approves the following resolution:

1. Section 15-15B of Chapter 15 of the Montgomery County Code, entitled "Eating and Drinking Establishments", as added by Bill 33-16, Eating and Drinking Establishments – Food Allergen Awareness Training, are adopted as a Board of Health regulation. A copy of Bill 33-16 is attached to this resolution.
2. This resolution takes effect on July 1, 2017.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

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BILL 33-16



ROCKVILLE, MARYLAND

AM
CC
SBF
LL

MEMORANDUM

September 16, 2016

TO: Nancy Floreen, President, County Council

FROM: *for* Jennifer A. Hughes, Director, Office of Management and Budget
Alexandre A. Espinosa, Director, Department of Finance *Jennifer A. Hughes*

SUBJECT: FEIS for Bill 33-16, Eating and Drinking Establishments – Food Allergen Awareness Training

Please find attached the fiscal and economic impact statements for the above-referenced legislation.

JAH:fz

cc: Bonnie Kirkland, Assistant Chief Administrative Officer
Lisa Austin, Offices of the County Executive
Joy Nurmi, Special Assistant to the County Executive
Patrick Lacefield, Director, Public Information Office
Uma S. Ahluwalia, Director, Department of Health and Human Services
David Platt, Department of Finance
Dennis Hetman, Department of Finance
Joshua Watters, Office of Management and Budget
Naeem Mia, Office of Management and Budget

RECEIVED
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2016 SEP 19 AM 7:54

Fiscal Impact Statement
Council Bill 33-16
Eating and Drinking Establishments – Food Allergen Awareness Training

1. Legislative Summary.

Bill 33-16 requires that beginning in FY18, eating and drinking establishments in the County must have on its premises when food is being prepared or served, at least one employee who has completed a food allergen awareness training course and passed a test approved by the Department of Health and Human Services (HHS). In addition, it requires HHS to provide a list of approved food allergen awareness training courses.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

In FY16, approximately 3,900 food inspections would have been affected by this bill. It is estimated that implementation of Bill 33-16 will add 3 minutes to each inspection, resulting in 195 hours of additional inspection time each year. The average hourly compensation for an inspector is \$42; at this rate, the additional annual expenditure will be \$8,190.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

The number of mandated inspections completed has remained stable for the past six years and no significant change is anticipated. It is anticipated that an additional annual expenditure of \$8,190 is necessary to implement the bill, resulting in a six-year total of \$49,140.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Not applicable.

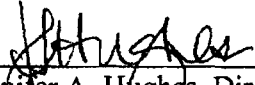
6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Not applicable, the bill does not authorize future spending.

7. An estimate of the staff time needed to implement the bill.

The additional responsibility to verify food allergen certification will add 3 minutes to each inspection, resulting in 195 hours of additional inspection time each year. Notification of new laws, updates and changes in regulations are included in the annual renewal packets sent each year in November. Food allergen training courses are provided by the same providers that offer Certified Food Manager courses, and these lists are updated periodically.

8. An explanation of how the addition of new staff responsibilities would affect other duties.
Verifying compliance with food allergen training requirements is not expected to affect the other duties of the inspectors.
9. An estimate of costs when an additional appropriation is needed.
No additional appropriation is needed to implement this bill.
10. A description of any variable that could affect revenue and cost estimates.
Cost estimates would be affected if the number of food inspections increases due to an increase in the number of eating and drinking establishments in the County. This variable is difficult to predict.
11. Ranges of revenue or expenditures that are uncertain or difficult to project.
Not applicable.
12. If a bill is likely to have no fiscal impact, why that is the case.
Not applicable.
13. Other fiscal impacts or comments.
None.
14. The following contributed to and concurred with this analysis:
Clark Beil, Sr. Administrator, Licensure and Regulatory Services
Kenneth Welch, Manager III, Environmental Health
Joshua Watters, Management and Budget Specialist, Office of Management and Budget



Jennifer A. Hughes, Director
Office of Management and Budget

8/17/16

Date

Economic Impact Statement
Bill 33-16, Eating and Drinking Establishments – Food Allergen Awareness

Background:

This legislation would require certain employees of eating and drinking establishments to complete a food allergen awareness training course and pass a test. Bill 33-16 also requires the Department of Health and Human Services (HHS) to provide a list of approved online and in person food allergen awareness training courses.

1. The sources of information, assumptions, and methodologies used.

Sources of data include the data from the Quarterly Census of Employment and Wages (QCEW), Maryland Department of Labor, Licensing and Regulation (DLLR); and AllerTrain, a company that provides allergy training courses that educate food handlers and non-food handlers.

Data for the fourth quarter of 2015, the latest data available from DLLR, show that there are 1,799 establishments and 30,599 employees with a North American Industry Classification System (NAICS) code for food services and drinking places in Montgomery County. Finance also conducted a search for companies that provide training courses. The search identified one company, AllerTrain, which provided a cost schedule: one hour training (\$19) or a three hour training (\$69).

According to AllerTrain, it is estimated that 15 million Americans have food allergies and 1 in 13 children are allergic to at least one food. From 1997 to 2011, food allergies among children increased fifty percent. Shellfish, tree nuts, and peanuts are the most common food allergens. Food allergy training, according to AllerTrain, is required in at least four states.

2. A description of any variable that could affect the economic impact estimates.

The variables that could affect the economic impact estimates are the number of eating and drinking establishments in the County (currently there are 1,799 such establishments according to the DLLR data), the number of employees required to complete a food awareness training course per establishment, the number of hours of training required, the frequency for recertification, the degree of difficulty in order to pass a test approved by HHS for certification, and the costs for the training.

3. The Bill's positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.

Based on the data provided by DLLR and the cost schedule provided by AllerTrain, the total direct costs could range from \$34,181 for one employee per establishment (1,799 at \$19 per one-hour training course) to \$496,524 for four employees per establishment (7,196 at \$69 per employee for a three-hour training course). However, the costs do not include loss of productivity by employees due to the time for training. Finance assumes that employee training will occur during the employee's normal

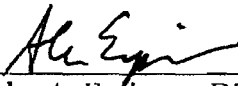
Economic Impact Statement
Bill 33-16, Eating and Drinking Establishments – Food Allergen Awareness

work schedule and therefore the employee will be paid during his or her training and not experience a loss of wages. However, the establishment may experience a loss of revenue due to the employees training period through a loss of productivity and an increase in costs incurred by the establishment for the mandatory training. Bill 33-16 does not specify the required number of training hours, the number of employees per establishment that must have training, nor does the legislation specify the time period within which the employee has been certified without subsequent training. Finance assumes that the cost incurred by the establishment is a one-time cost, that is, the employee who receives training is certified during his or her employment with the establishment. Without specific data on the revenue loss to the establishment and the number of employees requiring food allergy training, the economic impact to the business income is uncertain but it could have an impact.

4. If a Bill is likely to have no economic impact, why is that the case?

It is uncertain whether Bill 33-16 would have a significant impact on food and drinking establishments in the County. Please see paragraph 3.

5. The following contributed to or concurred with this analysis: David Platt, Mary Casciotti, and Robert Hagedoorn, Finance.



Alexandre A. Espinosa, Director
Department of Finance

8/31/2016

Date

B 33-15

Petition

122 names

AM
CC
LIS

Michael Buckley & Marianne Quinn
711 Dartmouth Avenue
Silver Spring, MD 20910

September 29, 2016

Councilmember Nancy Floreen
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Dear Councilmember Floreen:

On Sunday, September 25, more than 180 people participated in an allergy-awareness walk in Rockville sponsored by FARE (www.foodallergy.org).

Attached are notes written by some of the walk attendees asking for support of Montgomery County's Bill 33-16 Food Allergy Awareness for Eating & Drinking Establishments. 122 individuals wrote notes to council members.

Please pass this legislation as written and help individuals with food allergies!

Thank you,



Marianne Quinn & Michael Buckley
parents of a child with a food allergy

RECEIVED
MONTGOMERY COUNTY
COUNCIL

2016 OCT -5 AM 8:24

From: Floreen's Office, Councilmember [Councilmember.Floreen@montgomerycountymd.gov]
Sent: Thursday, August 11, 2016 1:07:58 PM
To: Council President
Subject: FW: Food Allergy Training for Restaurants Bill

From: Megan Fitzharris [mailto:megan.e.fitzharris@gmail.com]
Sent: Thursday, August 11, 2016 1:05 PM
To: Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>; Elrich's Office, Councilmember <Councilmember.Elrich@montgomerycountymd.gov>; Floreen's Office, Councilmember <Councilmember.Floreen@montgomerycountymd.gov>; Leventhal's Office, Councilmember <Councilmember.Leventhal@montgomerycountymd.gov>; Riemer's Office, Councilmember <Councilmember.Riemer@montgomerycountymd.gov>
Subject: Food Allergy Training for Restaurants Bill

Dear Council Members,

Please support Councilmember Riemer's upcoming bill that will require restaurants to have food allergy training. Having even just one person onsite who has had food allergy training can make a huge impact on a restaurant's ability to help a customer determine what, if anything, they can safely eat.

Please keep the bill as it is currently written. All the provisions of the bill are important and together make a safer environment. The bill is modeled after successful laws in other states including Massachusetts, Rhode Island, Virginia and Michigan.

My son is one of the 15 million people in the United States that has a food allergy. Lack of information about what menu items contain and how they are cooked make dining out very difficult. In fact, since his most recent allergy diagnosis, we have not attempted to eat out at all. We are very excited about this bill becoming law as it will offer our family a way to safely enjoy our community further. We look forward to dining out more frequently in Montgomery County. Please support this important bill.

Thank you for your time and work.

Megan Fitzharris

Lyttonsville Rd.

Silver Spring

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Good afternoon.

My name is Kristi Grim and I am the National Program Manager for Food Allergy Research and Education, also known as FARE. FARE is the nation's leading organization for food allergy education, awareness and advocacy work.

I am here today to voice FARE's support of bill number 33-16, which requires eating and drinking establishments to have a staff member who has completed food allergy training on the premises at all times.

Food allergy is a potentially life threatening, growing public health concern. Fifteen million Americans have food allergies, including nearly 6 million children. This is one out of every 13 kids, and in Maryland the rate is even higher, at nearly 10% of all kids. Eating away from home can pose a significant risk to people with food allergies if proper precautions are not taken. Potential areas of risk include cross-contact with allergens either in the kitchen, incomplete knowledge of ingredients on the part of servers and kitchen staff, a lack of communication between a diner and restaurant staff, and medically inaccurate information about food allergy and its severity.

FARE advocates for the adoption of policies and protocols that are intended to improve the safety and inclusion of people with food allergies. This includes requiring designated restaurant personnel to be trained in food allergy preparedness and be available on site during hours of operation.

Restaurant employees often receive little or no training on the serious nature of food allergy; the importance of strict allergen avoidance; how to read ingredient labels and how to avoid cross-contact during food preparation.

The impact of food allergies is both a challenge and opportunity for the food service industry. According to a survey by the National Restaurant Association, about 87 percent of restaurants believe food allergies are extremely important, yet 43 percent do not train their staff on food allergens.

Currently, restaurants are missing an estimated \$45 million in revenue per week due to food allergy families avoiding eating out. Additionally, the global food market for those with food allergies is expected to grow more than \$26.5 billion over the next five years and revenue from accommodating patrons with food allergies is expected to increase 10-25 percent. Accommodating the 15 million Americans with food allergies is a huge economic opportunity.

We believe that training selected personnel is a reasonable approach to improving restaurant food allergy preparedness. I urge councilmembers to support bill 33-16 and join Massachusetts, Rhode Island, Virginia and Michigan, who have passed similar legislation.

Thank you.

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September 20, 2016

Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

RE: Bill 33-16, Eating & Drinking Establishments – Food Allergen Awareness Training

1. My name is Debra Jacobs. I reside at 7517 Coddle Harbor Lane, Potomac, MD 20854. I have lived in Montgomery County since 1993.
2. My daughter, Hannah Jacobs, is 19 years old. She has the following anaphylactic (life threatening) allergies: milk and all milk products, beans, green peas, tree nuts and peanuts.
3. Hannah is a sophomore at Boston University. One factor (among many) in her decision where to attend college was the Massachusetts food allergy legislation, which is similar to the legislation currently before the Council.
4. This legislation has made a tremendous difference in Boston. Wait staff and food managers understand the importance of reading labels and speaking to chefs about details, such as what is put on the grill. Some have even brought packaging to the table so we could check labels without our asking them to do so. When my daughter informs them of her food allergies, they explain the steps they take to guard against cross-contamination. This happens consistently across different types of restaurants and over the course of over a year of frequently eating out in Boston.
5. I knew of this legislation before we visited Boston, and to be honest, was quite skeptical of the impact an online course requirement could have. However, the difference was unmistakable. In the course of visiting schools in Vermont, Rhode Island, and Massachusetts,—and of course we were familiar with Maryland and DC-- Massachusetts stood heads above the other areas in being food allergy friendly and aware.
6. Eating out is an essential part of an adult's life. I saw the impact food allergy awareness had on my daughter's decision about where to go to college, and I can imagine that it will continue to be a factor for her when she chooses where to live and work.

7. Since 1997 (the year my daughter was born) there has been an exponential increase in the number of children with food allergies. These children are now adults who will be making decisions about where to live, where to go for a business lunch, and where to schedule their companies' conferences.
8. **This food allergy legislation is good for business.**
9. **This legislation is proven highly effective and should be adopted as written without modifications.**
10. It is least burdensome for the food allergy training/testing requirement to run co-extensive with the current Montgomery County food service requirements. There is no need to over-complicate the food service manager requirements by carving out types of establishments. There is no additional burden because there already is a need to take an online course.
11. My high school concession stand is included in the requirement that there be a Montgomery County certified food service manager on the premises when the stand is open for business. I am taking this course now. It is informative and worthwhile. Because convenience stores and concessions stands are instructed in food preparation topics as part of the current food service manager course, for the sake of public safety they should also be instructed in food allergy awareness and management.
12. Thank you for the opportunity to submit this testimony in support of this food allergy legislation, which is truly a win-win for the County. It will encourage more people to eat in MOCO restaurants, to use MOCO caterers and hotels, and it will improve public safety.

Email Viewer

[Message](#)[Details](#)[Attachments](#)[Headers](#)[Source](#)[HTML](#)

From: "Jones-Sandler, Kristen" <kristen.jones-sandler@hp.com>

Date: 9/19/2016 2:51:42 PM

To: "County.Council@montgomerycountymd.gov" <County.Council@montgomerycountymd.gov>

Cc: "rjsandler@verizon.net" <rjsandler@verizon.net>

Subject: Bill 33-16, Eating and Drinking Establishments -Food Allergen Awareness Training

To Whom it May Concern,

Please add this to the testimony tomorrow on behalf of the above-referenced bill. I am also happy to come present if that would be preferred.

Thank you,

Kristen Jones-Sandler

Our names are Kristen and Rob Sandler. Our son Sam has multiple life-threatening food allergies. Eating out for us in Montgomery County, MD is a challenging and often dangerous event.

Here is a typical example of when we go out to a restaurant.

Us: "Our son has life-threatening food allergies including white potato, peanuts, mustard, sesame and avocado."

Wait Staff: "Oh, so you want to see the gluten-free/allergy menu?"

Us: "Um, no actually. Our son can eat wheat and most gluten-free products contain white potato which he is very allergic to."

Wait Staff: "Well, we only have a gluten-free menu."

Us: "Would it be possible to order from either the Chef or the Manager?"

Wait Staff: "No, I can handle it."

Us: "Can we please order a hamburger patty with cheese and no bun?"

Waitress: "Do you want french fries with that?"

Us: "Um, no actually. Remember he is allergic to white potato."

By the time we have actually placed the order, we are all fearful that there will be a mistake. Either with the wait staff who didn't understand the food allergies or the translation into the kitchen to the chefs. In addition to wait staff not understanding food allergies, we have run into countless examples of restaurants not having good processes for fulfilling food allergy orders and kitchen staff who make dire mistakes.

The proposed Bill 33-16, Eating and Drinking Establishments -Food Allergen Awareness Training legislation would greatly help the 1 in 5 families like ours where someone suffers from food allergies. We have had too many experiences when mistakes are made and our son has had significant reactions and been put at risk due to the lack of training and knowledgeable staff on hand in the restaurant.

Thank you for your time and PLEASE vote to approve this legislation.

(16)

From: Floreen's Office, Councilmember [Councilmember.Floreen@montgomerycountymd.gov]
Sent: Tuesday, August 02, 2016 4:50:27 PM
To: Council President
Subject: FW: Allergy Bill

—Original Message—

From: Rachel Kasprik [mailto:rachelkasprik@gmail.com]

Sent: Tuesday, August 02, 2016 11:35 AM

To: Hucker's Office, Councilmember <Councilmember.Hucker@montgomerycountymd.gov>; Berliner's Office, Councilmember <Councilmember.Berliner@montgomerycountymd.gov>; Elrich's Office, Councilmember <Councilmember.Elrich@montgomerycountymd.gov>; Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>; Floreen's Office, Councilmember <Councilmember.Floreen@montgomerycountymd.gov>; Rice's Office, Councilmember <Councilmember.Rice@montgomerycountymd.gov>; Leventhal's Office, Councilmember <Councilmember.Leventhal@montgomerycountymd.gov>; Navarro's Office, Councilmember <Councilmember.Navarro@montgomerycountymd.gov>; Riemer's Office, Councilmember <Councilmember.Riemer@montgomerycountymd.gov>

Subject: Allergy Bill

Please support Councilmember Riemer's upcoming bill that will require restaurants to have food allergy training. Having even just one person onsite who has had food allergy training can make a huge impact on a restaurant's ability to help a customer determine what, if anything, they can safely eat.

Please keep the bill as it is currently written. All the provisions of the bill are important and together make a safer environment. The bill is modeled after successful laws in other states including Massachusetts, Rhode Island, Virginia and Michigan.

My child is one of the 15 million people in the United States that has a food allergy. Lack of information about what menu items contain and how they are cooked make dining out very difficult. My family has had several terrifying experiences dining out, including two trips to the emergency room. My son has been served peanuts four times in the past year despite telling staff of his life-threatening allergy. Passing this legislation could potentially save many people from hospital stays, and could even save lives.

We are very excited about this bill becoming law and look forward to dining out more frequently in Montgomery County. Please support this important bill.

Sincerely,
Mary Kasprik

6221 Valley Rd.
Bethesda, MD 20817

September 20, 2016

Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

RE: Montgomery County Council Bill 33-16, Eating & Drinking Establishments - Food Allergen Awareness Training

My name is Kari Keaton and I live at 608 Autumn Wind Way in Rockville, Maryland. I support the bill concerning Food Allergen Awareness Training. I am representing myself as the mother of two sons with life-threatening food allergies, and I am representing the Metro DC Food Allergy Support Group.

Dining out with food allergies is a challenging, and potentially life-threatening, scenario. When our family wants to eat out, I need to make a determination as to whether it would be safe for my most food allergic son—his most dangerous allergen in terms of eating out is milk which causes a life-threatening reaction if he ingests a tiny amount. Up until the time he was 10, he had never eaten in a restaurant, but that year we went to Disney World. He happily ate 15 meals prepared by Disney chefs, and we realized that it was possible for a restaurant meal to be safe because they had invested in food allergy training.

For the past 8 years since that trip, we cautiously try new restaurants. There are several resources I use to determine if my sons can safely eat at a restaurant. One of the most helpful is learning that the restaurant has undergone food allergy awareness training, and has staff in place prepared to handle food for allergic diners. Massachusetts was the first state to pass legislation mandating this training, in 2010. We traveled there in 2013, and it was amazing to see the difference that the legislation made! It was easy to communicate with restaurants about my sons' food allergies because the staff understood the need, and methods for providing, allergy safe food. Several other states have since passed food allergy legislation—Rhode Island, Michigan and Virginia, but Maryland has yet to pass a bill making food allergy awareness training mandatory.

I am the current facilitator of the Metro DC Food Allergy Support Group. We have been meeting since 1999, and our membership has grown to 350 member families. Our discussions in monthly meetings, and in an online group, cover the gamut of managing food allergies, but one of the most commonly discussed topics is finding safe restaurants. We have members all over the DC metropolitan area. If Montgomery County passes this bill, our members will quickly realize that finding a food-allergy safe restaurant in Montgomery County will be easier, and restaurants will benefit by having new customers. Several of our support group members, and our medical advisor, Dr. Robert Wood, will provide testimony in support of this bill.

I know that restaurants can learn about preparing food safely for food-allergic diners because my sons are able to eat out successfully. One of my sons just started his first year at a university, and he has been able to eat safely at a dining hall because of the extensive food allergy training that the dining service company has provided for its staff.

I urge you to pass this bill which will significantly improve restaurant safety for food-allergic diners, and make Montgomery County restaurants a popular destination for *all* diners!

Re: Bill 33-16, Eating and Drinking Establishments – Food Allergen Awareness Training and a Resolution to Adopt Bill 33-16 as a Board of Health Regulation

Testimony by Sarah Kessler, resident of Rockville

Sarah's email address: sakaput@msn.com

September 20, 2016

I am a resident of Rockville and have lived here since I bought my first home in 2006. My husband and I have three children, including AJ –my oldest, a very sweet 5-year old boy who is here with me today. I want to tell you about AJ's allergies and how the proposed Bill 33-16 can help save his life.

AJ has a severe allergy to nuts. Not just to peanuts, but to all nuts: walnuts, pine nuts, pistachios, almonds – you name it, he needs to stay away. AJ's allergy is so severe that he needs to have two epi-pens nearby at all times in case he comes in contact with any nuts. If he does, his entire system will shut down, and he will go into anaphylactic shock within minutes. That first happened when he was two and stands out to me now as the scariest afternoon of my life.

To us, restaurants are risky places. They contain the potential to make our son sick, to say the least. Bill 33-16 will help lessen the risks of eating out and potentially save his life. For now, we carefully assess the restaurant and its employees to gauge the risk and determine whether we'll let AJ eat there. But someday soon, AJ will start to visit restaurants with others, like his grandparents or cousins (who also live in the County), and his friends. And we will be forced to rely on the knowledge of the restaurant staff and the actions of AJ and whoever he's with to keep him safe. Bill 33-16 can help.

All it takes to harm AJ is a careless or uneducated food service employee. I can unfortunately give you a recent example. A few months ago, AJ was at his preschool in Rockville eating lunch from a food service vendor that had promised to be nut-free. He started to have a reaction and thankfully his teacher noticed and quickly called me and my husband, Glen. I was in my office in DC but thankfully Glen was at work upstairs from AJ's school. He ran down, injected AJ with the epi-pen, and the ambulance came – long story short, AJ is okay now. It turns out that the vendor had used croutons in its salad that day, and the croutons were made from bread baked in a facility that makes things with nuts. The vendor had not even thought about the croutons, as it sent out the menu and ingredient list without mentioning them. It was only after some digging that we learned exactly what was served for lunch that day. Bill 33-16 would help us avoid a situation like that in a County restaurant, where the food service employees would be required to learn about the dangers of cross-contamination and how to take steps to avoid it. I urge you to pass Bill 33-16 as it is written, with no changes.

Thank you for your time on this important issue.

From: Floreen's Office, Councilmember [Councilmember.Floreen@montgomerycountymd.gov]
Sent: Thursday, August 11, 2016 10:08:34 AM
To: Council President
Subject: FW: Bill 33-16 Food Allergy Training

-----Original Message-----

From: Dori Morper [mailto:dori@morper.net]
Sent: Thursday, August 11, 2016 7:00 AM
To: Floreen's Office, Councilmember <Councilmember.Floreen@montgomerycountymd.gov>
Subject: Bill 33-16 Food Allergy Training

Please support Councilmember Riemer's bill that will require restaurants to have food allergy training (Bill 33-16). Having even just one person onsite who has had food allergy training can make a huge impact on a restaurant's ability to help a customer determine what, if anything, they can safely eat.

Please keep the bill as it is currently written. All the provisions of the bill are important and together make a safer environment. The bill is modeled after successful laws in other states including Massachusetts, Rhode Island, Virginia and Michigan.

My child is one of the 15 million people in the United States that has a food allergy. Lack of information about what menu items contain and how they are cooked make dining out very difficult. We are very excited about this bill becoming law and look forward to dining out more frequently in Montgomery County. Please support this important bill.?

Dori Morper
7024 Sulky Ln.

Email Viewer

Message Details Attachments Headers Source

[HTML](#)

From: "Larry Packer" <Lpackercoach@verizon.net>
Date: 9/17/2016 8:53:25 PM
To: "County.Council@montgomerycountymd.gov" <County.Council@montgomerycountymd.gov>
Cc: "councilmember.berliner@mccouncilmd.lmhostediq.com" <councilmember.berliner@mccouncilmd.lmhostediq.com>
Subject: Food Allergy Bill 33-16

Hi.

My name is Ari Packer. I am an 11 year old kid with severe food allergies. And it is very very hard to eat out. My family and I get unsure answers from restaurant employees every time we ask questions. I just want to go out like every other kid and eat.

One time, we went to an Italian restaurant. Since I have an egg allergy, I can't eat a lot of bread that you get on the table. My parents wanted to make sure that the bread was safe, just in case. So we got the manager. They gave us very worrying information. He said: "I think the bread is free of eggs but I don't know." We were puzzled. And another time, I went to a pizza place with my mom and we trusted this place till we saw a nut option on the menu. The restaurant couldn't be sure that we wouldn't get cross-contamination in our pizza. So that was the last time I ever went there. If this allergy bill can get past, all kids suffering from food allergies that are nervous when they go to a restaurant and can't get a clear answer, this bill will let kids eat freely. Instead of: "UUUHHH... I think... the pizza... do-sen't have e-gg." You could get a confident answer of: Hi there!" Welcome to (fill in food place here)!" "Do you have any allergies?" (Person says allergies) "I don't think that the pizza doesn't have egg but to be sure, let me go check." "Oh!" "And if you need to talk to the manager, just tell me and I'll bring him/her right over!" Doesn't that sound safer? If this bill got passes there wouldn't be any quivering or scarred people between parents and kids. People could eat safely and eat with their friends at parties and not have to say: "Sorry friend." "I can't eat the pizza." "I have food allergies." If this bill gets past, well, Montgomery County could be a much better and safer place!

Thank You!!
Ari

Regards,
Larry Packer
Sales Coaching and Strategy
Communication Systems / Harris Corporation
Sent from my iPhone

Close

From: Floreen's Office, Councilmember [Councilmember.Floreen@montgomerycountymd.gov]
Sent: Monday, August 15, 2016 3:13:33 PM
To: Council President
Subject: FW: Bill 33-16

From: lpackercoach@verizon.net [mailto:lpackercoach@verizon.net]
Sent: Monday, August 15, 2016 3:08 PM
To: Lpackercoach@verizon.net
Subject: Bill 33-16

Dear Councilmember,

Montgomery County Councilmember Hans Riemer introduced legislation (Bill 33-16) to the County's Health Committee on August 2. The bill requires an eating and drinking establishment to have someone on the premises at all times who has completed a food allergy awareness training course approved by the Department. Our children Leah (15) and Ari (11) rarely get the pleasure of dining out at restaurants. After sporting events when all the kids go for ice cream, our kids don't go, or if they do they sit there drinking a bottle of water. Having someone on staff with food allergy awareness training would be a very welcome improvement and allow our kids and family to enjoy a basic want, eating out.

Please support Councilmember Riemer's bill that will require restaurants to have food allergy training (Bill 33-16). Having even just one person onsite who has had food allergy training can make a huge impact on a restaurant's ability to help a customer determine what, if anything, they can safely eat. Most important, please keep the bill as it is currently written. All the provisions of the bill are important and together make a safer environment. The bill is modeled after successful laws in other states including Massachusetts, Rhode Island, Virginia and Michigan. When we travel to the states above, our kids can eat because the laws have been enacted. We live here, we pay tax here, we want to eat here!

My child is one of the 15 million people in the United States that has a food allergy. Lack of information about what menu items contain and how they are cooked make dining out very difficult. We are very excited about this bill becoming law and look forward to dining out frequently in Montgomery County. Please support this important bill.

Regards,

Larry & Rachel Packer

17715 Old Baltimore road

Olney MD 20832

Lpackercoach@Verizon.net

From: Floreen's Office, Councilmember [Councilmember.Floreen@montgomerycountymd.gov]
Sent: Monday, August 01, 2016 2:30:22 PM
To: Council President
Subject: FW: Mont Co FA Training for Restaurants - emails needed

From: Andrea L. Rubinfeld [mailto:drerubinfeld@gmail.com]
Sent: Monday, August 01, 2016 10:28 AM
To: Berliner's Office, Councilmember <Councilmember.Berliner@montgomerycountymd.gov>
Cc: Elrich's Office, Councilmember <Councilmember.Elrich@montgomerycountymd.gov>; Floreen's Office, Councilmember <Councilmember.Floreen@montgomerycountymd.gov>; Leventhal's Office, Councilmember <Councilmember.Leventhal@montgomerycountymd.gov>; Riemer's Office, Councilmember <Councilmember.Riemer@montgomerycountymd.gov>
Subject: Re: Mont Co FA Training for Restaurants - emails needed

Dear Council Members,

I am a mom who was born and raised in Montgomery County. I have 3 children, the oldest of whom is 6 and has severe food allergies. Like so many children with food allergies her age, being anaphylactic (a deadly allergic reaction) to a small trace of common foods such as egg, sesame, peanuts and trees nuts impacts our daily ability to keep her safe and included in group activities.

It came to my attention that you are working on important legislation that will require restaurants in our county to have food allergy training. THANK YOU for your efforts and for introducing this bill on August 2. I cannot tell you how appreciative my family, and many other parents of children with food allergies, will be if those changes are made. Right now, there is only one restaurant we can take our daughter too - it is the one and only place we have found that does not make any food with any of her allergens. But we would love the ability to take her to many more restaurants. In the past when we have tried, we have found that even the most well-intentioned people are very uninformed about food allergy safety. We have had to use an epi pen to save our daughter's life in the parking lot of a restaurant when we tried eating out because there was cross contamination in her food. This was after talking to the waitress and the chef directly about our order. Unfortunately, their lack of training overpowered their desire to accommodate us, which was not enough to keep her safe.

My child is one of 15 million Americans living with a food allergy. Lack of information about what menu items contain, dangers of cross contamination, and how food is prepared makes eating out impossible for us. We are SO happy about your bill becoming law and can't wait for the opportunity to dine out more frequently in the town we love, Montgomery county. Please support this bill and know how important it is to our family and the increasing number of other food allergy families out there.

All my best,
Andrea Rubinfeld

8607 Howell Road
Bethesda MD 20817

Andrea L. Rubinfeld
drerubinfeld@gmail.com
m) 917.842.8914

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From: "MCCouncil@App.MontgomeryCountyMD.gov" <MCCouncil@App.MontgomeryCountyMD.gov>

Date: 8/1/2016 8:14:08 AM

To: "county.council@mccouncilmd.lmhostediq.com" <county.council@mccouncilmd.lmhostediq.com>

Cc:

Subject: djeendjeen@yahoo.com - Submitted By:Ms Jeanne Segal - (Attn: All CMs, Council Webform)

Dear Councilmembers,

It's difficult to understand food allergies until you have a child with food allergies. Every meal and every morsel of food presents a life-threatening risk for him. Going out to restaurants is a challenge when your kid has food allergies. Our family can only go to restaurants where we are able to speak to people who are knowledgeable about the ingredients in the food that is being served, and further, whether there are risks of cross-contamination.

There is a tremendous misunderstanding about food allergies. People think that "just a little" peanut or egg is not dangerous to someone with allergies to peanuts or eggs when in fact, "just a little" could kill my son or make him severely ill. My friend once said that a bowl of peanuts near my son is like having a loaded gun in the room. I never thought of it that way but it is a useful way of thinking about it because the anxiety and risk of injury around a loaded gun is the same for kids with food allergies.

Another misunderstanding is people think if I look at a menu, I will know what is safe for my child to eat. I cannot know what is safe unless I know ALL of the ingredients in a dish. Did you know that some restaurants use peanut butter in their chili? And that most chicken nuggets are breaded with an egg wash? And that french fries prepared in a fryolator that also cooks almond crusted fish will give my son a serious allergic reaction. We have to hunt down carefully the restaurants that my son can eat safely at. For instance, Bethesda Bagels uses walnuts and eggs in some of their bagels but because all of the bagels are boiled in the same water, my son cannot eat any of the bagels in that shop.

This is why Councilmember Riemer's upcoming bill that requires restaurants to have food allergy training would be a gift to all families in Montgomery County. Having even just one person onsite who has had food allergy training can make a huge impact on a restaurant's ability to help a customer determine what, if anything, they can safely eat.

Please keep the bill as it is currently written. All the provisions of the bill are important and together make a safer environment. The bill is modeled after successful laws in other states including Massachusetts, Rhode Island, Virginia and Michigan.

My child is one of the 15 million people in the United States that has a food allergy. Lack of information about what menu items contain and how they are cooked make dining out very difficult. We are very excited about this bill becoming law and look forward to dining out more frequently in Montgomery County.

Appreciate your support this important bill."

Thank you,
Jeanne Segal

9218 Aldershot Drive

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September 20, 2016

Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

RE: Montgomery County Council Bill 33-16, Eating & Drinking Establishments - Food Allergen Awareness Training

My name is Marianne Quinn and I live in Silver Spring. I am here today to testify in support of Bill 33-16, legislation to help those with food allergies have greater information and safety when dining at Montgomery County restaurants.

I bring several years of activism to this issue, including having been appointed by Governor O'Malley to serve on a state task force to issues of food allergies in Maryland restaurants.

Why did I become involved in this issue?

In 2012 my family went on vacation to Cape Cod. Because my son has a very serious egg allergy, we rented a cottage to cook our meals at home instead of trying to navigate unfamiliar restaurants.

But when we learned that a pioneering food allergy law had recently gone into effect in Massachusetts, it completely changed our trip.

Everywhere we went that week it was incredibly easy to eat out. We have never eaten out more in our lives! Instead of cooking at home, we ate at all sized restaurants – big and small, mom & pop, even a beachfront clam shack. Employees at each restaurant were able to confidently and calmly answer our questions.

While I had known it was hard for us to eat out in Maryland, I will remember forever when my son said that he wanted to move to Massachusetts. He said he felt safer there than he did at home in Maryland. That is why we are here today.

The state task force I served on brought the full range of stakeholders together – the National Restaurant Association, local governments, business and advocacy groups – together in favor of **unanimous** recommendations to improve food safety here in Maryland.

While unfortunately those did not make it into state law, I believe that Montgomery County has a great leadership – and economic – opportunity to better help restaurants and their customers address the growing problem of food allergies.

Restaurants would be required to have one employee on site who has taken a HHS approved food allergy course.

There are at least two food allergy training courses is available on-line at a cost of about \$20.

For a small restaurant with only a few employees to train, the cost would be recouped with a just a few additional meals sold to customers who, right now, are probably staying home. The National Restaurant Association conducted a survey of restaurant regarding food allergy training. Of those restaurants that offered no training at all, only 2% said cost was an issue.

I want this committee to be very clear about what this bill does – helps diners be better informed about food safety. But also be clear about what the bill does **not** do – it does not, in any way, require special accommodations.

For customers with food allergies, the bill would help them be better informed and safer. To me, it is both common sense – and good business sense – for a restaurant to answer basic questions about the ingredients in the food that they serve. To me this seems like a very basic food safety issue. However, while Montgomery County does have a very strong food safety program with all establishments that serve any kind of prepared food being required to have a certified food service manager onsite, the training does not include food allergies. I think it is just important to have a basic understanding of food allergies as it is to know how to safely handle meat at a restaurant. If you haven't had to deal with food allergies in your own life, then as a restaurant employee, it is only fair to expect you will need to have and to receive some training to assist customers.

You don't have to be a rocket scientist to manage your food allergies. But what you do need is clear, basic information about the food you are eating. If you don't have food allergies, it may be hard to believe that a small amount of the wrong ingredient can cause big problems. But for 15 million Americans, this is their daily life.

The economic impact is large. An estimated 5% of American have food allergies and an even higher percentage of children have food allergies. Very roughly, this means 50,000 people in Montgomery County have food allergies. I can tell you from my

experience and from those of everyone I know, if you have a family member with food allergies and you are dining out with friends or relatives, it is your family that selects the restaurant or even more often invites people to your house to avoid going out. Creating a better environment can change this and would like encourage those who live near our borders to come and eat in our county.

Several states have passed similar laws. My experience – and that of many others who have dined in these states – is you feel a greater sense of safety and peace of mind. Going out to eat should be fun, but it often is not. It is often a discussion of where could we eat and are we up for the effort involved in trying a place that we haven't been to. Very often it is not. However, a very modest, reasonable legislation can make a world of difference.

I am proud to live in Montgomery County. It is a community that has consistently worked to improve the quality of life for all who live, work, and visit here. I urge you to please extend this strong record by adopting Bill 33-16 as it is currently written.

Erika Vassell
13709 Monarch Vista Drive
Germantown, Maryland 20874

Good afternoon,

The proposed food allergy awareness Bill in Montgomery County is very important to my family. I personally have food allergies as well as my two children.

My family travels to New England frequently and we eat out with confidence in Massachusetts and Rhode Island. What makes this experience wonderful is we go into a restaurant and they have a notice posted that says please notify us if you have food allergies. When I announce this a manager comes over I state which foods we are allergic to and we are told which items we can eat or which to avoid. It seems like a very smooth process. I feel the restaurants appreciate having an understanding of handling Food Allergies so they are not scrambling when we come in.

I also want to note that I take my kids to Hershey park every year. My kids are allergic to peanuts so it sounds like why would you take them to the land of reese's? The difference is the staff are trained on food allergies. If you have ever been to Hershey Park you may recall that these are seasonal workers and most are teenagers. My point is if they can be trained there is no reason why a manager in Montgomery County can't be.

I would love to be able to eat out in Montgomery County, food is a very social thing. When my daughter is at an event for Girl Scouts and they say let's go grab a bite at the Rio and I have to say I'm sorry we will decline because I never know if I will encounter a restaurant that can let me know if it's a good choice for us without me researching in advance making calls etc. . I would love to be able to walk in just like in New England and be told straight up with confidence if this is a good fit or not.

Please note that we understand that we are not asking restaurants to change their menus to cater to us. We are asking that the knowledge that they already have as to what the ingredients are and what steps they take currently for prevention of cross-contamination -such as do they fry fish in the same fryer as fries that type of thing. This current information can easily be used to help food allergy families be able to make a choice whether they can eat in that particular restaurant or not.

Thank you very much

Olivia Vassell
13709 MonarchVista Drive
Germantown, MD 20874

Hi, my name is Olivia Vassell and I live in Germantown, Maryland. I have food allergies so does my Mom and little sister.

I am sure you have watched me and my sisters video? If you haven't- it said that it's hard with food allergies to eat out in Montgomery County with our friends and family, and here's why no one in the food businesses is really educated on food allergies and how to deal with them. Most people think oh we just won't give this to them because it has peanuts or milk or anything like that but it's not always as easy as that. There is cross contamination, and many people don't understand how careful you have to be with severe food allergies.

People need to get educated because food allergies are becoming more and more common. I have lots of friends with food allergies and for us eating out is like Christmas Morning its super exciting because it usually only happens on vacations to Boston or Rhode Island and of course Hershey Park-they are all educated on food allergies. There are 3 places we eat local because my Mom has checked with them and they took the time to understand food allergies this makes me sooo happy! But, what makes me sad is that I can't just go out to eat at the last minute with my non- food allergy friends as I am getting older I really want to be able to enjoy eating out with my friends. I am sure most of you eat out and never have to think about all the things I do. But, guess what I do know that this is really an easy change to make in our county because other places have done this successfully.

I am 11 years old and I understand how to read ingredient labels and that if I am making a snack that has ingredients my sister is allergic to that I am not going to use the same knife to cut my food as hers. It's pretty simple she's 3 and she understands this also. My point is if adults were taught this information restaurants here may be a safer option for us.

So, that's why I think people should get educated in restaurants to help make people with allergies life a little easier.

Thank you for listening.



City of Rockville
Testimony of Councilmember Julie Palakovich-Carr
Bill 33-16 – Eating and Drinking Establishments - Food Allergen Awareness
Training
September 20, 2016

Good afternoon Council President Floreen and members of the County Council, I'm Julie Palakovich Carr and I serve on the Rockville City Council. I'm pleased to be here this afternoon on behalf of the Mayor and Council to testify in support of Bill 33-16, Eating and Drinking Establishments – Food Allergen Awareness Training.

Rockville commends Councilmember Riemer for his leadership on this important legislation. According to the Food Allergy and Anaphylaxis Connection Team, or "FAACT," an estimated 15 million Americans, including 6 million children, have food allergies. It is a growing problem in the United States. Data from the Centers for Disease Control indicate that the prevalence of food allergies increased by fifty percent between 1997 and 2011. Individuals with allergies to foods such as peanuts, eggs, soy, wheat, and shellfish can suffer serious reactions that can be life threatening if not immediately treated. Individuals with food allergies and their caretakers are forced to be constantly vigilant of the threat of a reaction. Managing food allergies is time consuming and places an extra burden on impacted families, particularly when eating outside their home.

Bill 33-16 institutes safeguards against food allergy threats by mandating that a restaurant be under the control of a food service manager who is present at all times when food is being served and prepared, is trained in food allergen awareness, and passed a required test approved by the Montgomery County Department of Health and Human Services. The City of Rockville wholeheartedly supports these requirements. If the bill is enacted, these requirements would apply to restaurants within Rockville.

Food allergies are not just a concern for me as a matter of public policy; this is also a personal issue that directly impacts my family. My eighteen-month old son has allergies to eggs and peanuts. It can be stressful when we dine at a restaurant, because we don't have control over food preparation like we do in our own kitchen. I have no way of knowing if the staff read all of the ingredients in a bottled sauce to check for allergens, or if the grill was properly cleaned after another customer's eggs were cooked before my son's meal is prepared. Likewise, a sponge or other surface could be a vector for cross contamination, which can also trigger an allergic reaction.

It was not until my family had to deal with these issues firsthand that I realized how great the opportunities are for cross contamination to occur. While most local restaurants have been very accommodating in checking ingredients, and want to be helpful, the servers and kitchen staff are not always aware of how to handle food allergies. Bill 33-16 will ensure that the staff are equipped with the necessary expertise to ensure a safe and enjoyable dining experience for individuals with food allergies and their families.

In closing, we believe Bill 33-16 will improve the quality of life for those who suffer from food allergies and will create more opportunities for them to experience the social, cultural, culinary, and recreational benefits associated with dining out. The City of Rockville urges the County Council to adopt this legislation.



September 12, 2016

Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Dear Montgomery County Council,

Thank you for the opportunity to comment on proposed Bill 33-16 which will be considered for passage in the near future. The Town Council of the Town of Laytonsville has reviewed the Bill, the regulation and the resolution prior to discussing it at its September 6, 2016 Town Council meeting. It is the Town's opinion that this Bill is inadvisable and an over reach by the County government. Furthermore, it creates an unfair burden on businesses in the County, especially small food businesses. In the past, the responsibility for food allergies and reactions has been the responsibility of the individual person. We believe this should remain an individual responsibility and that it should not be the responsibility of companies serving food and drinks.

We are asking the County Council not to adopt this Bill.

Sincerely,

James A. Ruspi
Mayor, Town of Laytonsville

CC: The Office Café & Lounge, Mr. Larry Swenson
Juliano's Brick Oven Pizza
7-Eleven, Mr. Iftikhar H. Shah

www.laytonsville.md.us

Post Office Box 5158 • Laytonsville, Maryland 20882 • Office 301-869-0042 • Fax 301-869-7222
Town Hall • 21607 Laytonsville Road • Laytonsville, Maryland



September 19, 2016

Health & Human Services Committee
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Re: CB 33-16, Eating and Drinking Establishments – Food Allergen Awareness Training

Mr. Chairman and Committee Members:

The *Restaurant Association of Maryland* does not oppose CB 33-16 as it is currently drafted. We have previously participated in State workgroups that recognize the importance of both food safety and food allergen awareness training.

This legislation requires food allergen awareness training for any eating and drinking establishment that is also required to have a certified foodservice manager on duty. For practical purposes, an existing certified foodservice manager could satisfy this requirement by also taking the food allergen awareness training course and test. An online training program called "ServSafe Allergens" is likely to be approved by the Department of Health and Human Services to meet the requirements of this legislation. This online course and test takes about 90 minutes to complete and costs approximately \$22. It is offered in English and Spanish.

While this legislation does not appear to pose a significant burden on restaurants as currently drafted, our position could change if the bill was amended in a manner that we would oppose. For example, we would oppose amendments to require any type of related menu notice or a requirement that restaurants have menu options for customers with food allergies. As we understand it, the sole intent of this legislation is food allergen awareness training, which we do not oppose.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, reading "Melvin R. Thompson".

Melvin R. Thompson
Senior Vice President
Government Affairs & Public Policy

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Jim Young, Chair
Dusty Rood, Chair-Elect
Jerry Shapiro, Immediate Past Chair
Georgette "Gigi" Godwin, President & CEO

Testimony for
Bill 33-16, Eating and Drinking Establishments - Food Allergen Awareness Training, and
Resolution to adopt Bill 33-16 as a Board of Health Regulation
September 20, 2016

On behalf of the MCCC Board of Directors, MCCC writes to express our support for training that includes food allergen awareness. We are concerned, however, that Bill 33-16 does not take into consideration the existing Serve Safe program and how it may be expanded to address concerns raised by proponents of the legislation. We believe that before requiring in statute a to-be-determined course, the County should explore using the current Serve Safe program as an appropriate vehicle to include a more robust training on food allergy awareness.

It will be important that the requirement, if passed, should be for all establishments including county-run and MCPS facilities.

As with all legislation passed by the County Council and signed into law, we believe it is critical that the County invest in educating the concerned parties about any changes, in this case any establishment that serves food as already outlined in the County policies.

Lastly, given the many requirements and regulations that restaurants in particular are facing, we encourage the Montgomery County Council to find ways to incentivize broader food allergy awareness by offering credits to an individual who takes the course and uses the certification in a Montgomery County establishment or an employer who pays for an employee to be certified. Additionally, Montgomery County can recognize those establishments that do meet certain requirements with a special designation to inform the market place of this option.

Thank you for considering these recommendations.



THE GREATER BETHESDA
CHAMBER of COMMERCE

Smart Business, Bright Future

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TESTIMONY OF GINANNE ITALIANO
THE GREATER BETHESDA CHAMBER OF COMMERCE
BEFORE THE MONTGOMERY COUNTY COUNCIL
BILL 33-16 EATING AND DRINKING ESTABLISHMENTS –
FOOD ALLERGEN AWARENESS TRAINING
MONTGOMERY COUNTY COUNCIL PUBLIC HEARING
SEPTEMBER 20, 2016

Good afternoon. I am Ginanne Italiano, President of The Greater Bethesda Chamber of Commerce, representing over 630 member businesses of which more than 85 are restaurants, hotels, assisted living and food service businesses in Montgomery County.

Today I am testifying in regards to Bill 33-16 which would require eating and drinking establishments to have on the premises at all times, a certified food service manager who has completed a food allergen awareness training course. I signed up as "opposed" to this legislation because there isn't a selection available yet for "other." Although we understand the importance of educating the public and food service personnel regarding food allergens, we have concerns regarding one more regulation being imposed on our members, without first considering other options such as a voluntary program or adding this to the current ServSafe course.

When Councilmember Riemer was first developing the bill, we were contacted by Ken Silverman in his office, asking for our input on the effect on our members. To that end, we want to thank Councilmember Riemer for doing this. However, we had recommended at that time that this program be added to the ongoing ServSafe coursework already provided to food service establishments. At that time, there was also consideration of requiring that restaurants include a disclaimer on their menus that customers with food allergies dine at their own risk and should alert their server. Although this was not included in the legislation, we believe that most food establishments would be open to voluntarily posting this message on their menus, which would help put more of the responsibility on the shoulders of the customers with food allergies.

When we contacted our member hotels, restaurants and caterers regarding this proposed bill, the responses ran the gamut (see sample attached). Bottom line, the restaurants and hotels already have numerous requirements, ensuring that they provide a safe environment for their customers, and they were concerned how onerous this new legislation would be on their operation. That said, they understand the importance of their employees being knowledgeable about allergens.

It makes more sense that this training be incorporated as part of the ServSafe coursework that is already required, rather than an add-on class and test. However, the options for food service managers to take this course online and keeping the costs as minimal as possible are important. Currently, the legislation has the effective date of July 1, 2017. From our recent experience with minimum wage and sick leave, it is imperative that the County conduct a full communications campaign with all food service operations, so that they are all informed and prepared before it takes effect and not just depend upon the Department of Health and Human Services to be responsible for this.

Finally, we believe that education needs to go both ways. Those customers with food allergies – no matter what they order – should alert their wait staff to their allergies. Thank you for your consideration of these remarks.

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SAMPLE OF RESPONSES BY FOOD SERVICE ESTABLISHMENTS TO REQUIREMENT FOR ALLERGEN TRAINING AND WARNING MESSAGE ON MENUS

Hotel General Manager:

This is just another un-necessary burden for business and just stacks the list even higher on the industry. It should not be the burden of the establishment to police its patrons' health conditions. We have ServSafe certification to ensure proper handling and we have many safety trainings to comply with per OSHA standards. Simply placing a statement on all menus as follows would suffice in my opinion: **This restaurant uses natural ingredients from all food groups. We are not responsible for food related allergic reactions, so please listen to your doctor and manage your own allergies.**

PS Regarding the safe service requirements - All restaurants and bars already have ServSafe certification and TIPS training for managing alcohol awareness. A certified manager has to be on duty when the establishment is open for business and all those serving alcohol are certified in annual trainings.

Restaurant owner:

It's just one more thing to deal with. Does the council want to pay for the course? And then pay for it again every time someone leaves? Is there a way to make this a mandatory part of the food handler's certification course, with no increased costs? We're at our breaking point.

The other day two guys who own a successful restaurant in New Jersey came in and said they were interested in taking over the lease of a restaurant that closed in Downtown Bethesda. They asked me how business was. I said it's great, but minimum wage is going up to \$15 an hour at some point. They said that they could never make it if that were the case and they turned around. And honestly, if I were them I would have done the same thing. Who in their right mind will ever open a restaurant in Montgomery County again? The price of entry is high and the profit margin's low – and only going to get lower.

Restaurant owner:

I wonder if they have asked any physicians who specialize in allergies whether they feel the legislation is necessary and /or would be effective in any case. Has due diligence been done from all sectors before this legislation gets introduced including liabilities to the restaurant owner whose employee has the training yet a customer still has a food allergy reaction?

Catering company manager:

These requirements would be fine with our company. We already provide allergen training for all of our employees and are known for our attention to customers with specific needs – especially allergens.

Hotel General Manager:

1. We are in favor of the disclaimer (dine at your own risk) but feel that it may appear contradictory, or overreacting if we are also publicizing a certified food safety person. However, it can't hurt and would reduce liability to a degree, so our vote would be for it as long as it's voluntary.
2. The entire training and certification process and ongoing enforcement are burdensome and costly to the establishments and the taxpayers. In addition, the requirements section is vague and doesn't make sense. If we are talking about allergies then just about all food would be considered hazardous. I'm sure the County Code (circa 1989) was referring to food that spoiled quickly or had the potential to contain bacteria or contaminants. When you get to allergies the scope broadens considerably. It also begs the question of what constitutes an allergen. Is gluten an allergen? Actually it is not. Some people are gluten sensitive however in most cases the allergy is to wheat. "Gluten Free" requires no rye or barley as well as no wheat. The topic is confusing and therefore subject to varied interpretations. To go a step further any establishment that carries peanut butter, places people with peanut allergies at risk, whether they order something with peanuts or not. **The individual with the allergy is the ultimate and only true source of control.**

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**Testimony of
The Greater Silver Spring Chamber of Commerce
Bill 33-16 Eating and Drinking Establishments – Food Allergen Awareness Training
Montgomery County Council Public Hearing
Tuesday, September 20, 2016**

Council President Floreen, members of the Council, good afternoon. For the record, my name is Jane Redicker and I am President of the Greater Silver Spring Chamber of Commerce. Our Chamber represents more than 440 member organizations, more than 40 of which are eating and drinking establishments.

First, let me make it very clear that we are not opposed to taking steps to address the needs and protect the health of people coping with food allergies. We are not opposed to adding food allergen awareness to the required food safety training required for food service employees. We recognize that the number of people affected by food allergies is growing faster than ever. And, we recognized that dining out is a serious concern for those who facing the challenges of food allergies.

We are here today to encourage you to make the training requirement as easy, convenient, and economical as possible for our food service provider members.

Restaurants are already required to have ServSafe certified personnel on staff at all times. We believe this training is important enough that it should be added to the requirements of the current ServSafe curriculum, not just for Montgomery County, but nationwide.

We understand that the National Restaurant Association, which created and owns the ServSafe curriculum, has already added an online ServeSafe Allergen Training module that can be completed at the time and place convenient for the server. Until this training can be incorporated into the overall program, the online option offers restaurants a convenient and economical way to add allergen training to the requirement for their certified staff. What would not work for our restaurants, especially our small restaurants, would be a requirement to take the individual course on-site at a training center.

We are not familiar with the certification requirements for school cafeterias, food service providers in health care institutions, and eating establishments in government owned facilities, but strongly believe that they should be subject to any and all regulations that apply to "eating and drinking establishments" as covered in this bill.

And finally, because of the large number of eating and drinking establishments in Montgomery County that may not be members of a local chamber or national or state restaurant association, we strongly encourage you to add an educational component to this requirement, much like what was done when the County implemented the "bag tax."



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September 15, 2016

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My name is Dr. Robert Wood. I am a Professor of Pediatrics and International Health and the Director of Pediatric Allergy and Immunology at Johns Hopkins Children's Center. I have been working in the field of pediatric food allergy for over 25 years and in my clinical practice, I personally care for over 4,000 patients with food allergy. I am also actively involved in research on food allergy and currently am the principal investigator for more than 20 different research studies that will improve the quality of life for people with food allergies. I also have a lifelong, severe peanut allergy and therefore have a personal interest in food allergies. **This testimony is in support of the passage of Montgomery County Council Bill 33-16, Eating and Drinking Establishments –Food Allergen Awareness, which will require restaurants to be aware of food allergies and begin to make dining out in Montgomery County restaurants safer for those with food allergies.**

It is estimated that as many as 15 million people in the US have food allergies—9 million adults (4% of the population) and 6 million children (8% of the population). Food allergies are a growing health concern and research shows that the prevalence of food allergies is rising. One study showed an 18% increase between 1997 and 2007. Another study concluded that the prevalence of peanut allergy among children tripled between 1997 and 2008. I cite peanut allergies because allergic reactions to peanuts result in the most severe and fatal food-allergic reactions.

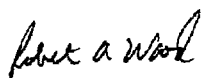
Each year in the US, food allergies claim over 200 lives and are responsible for over 30,000 emergency room visits. Close to half of fatal food allergy reactions are triggered by food served by a restaurant or other food service establishment.

I have personal experience dining out with a food allergy and completely understand the risks involved. One of my most severe reactions was due to eating a cookie touched by a cross contaminated spatula—the same spatula was used for nut-free cookies and peanut cookies. People with food allergies must navigate restaurants very carefully. There are restaurants that have mastered allergy-free cooking, so I know that it is possible. However, not all restaurants are willing to commit the extra time and work required to safely serve those with food allergies. My patients will often ask me for advice on whether they can safely eat at restaurants. In providing answers for them, I must help them understand the risks. I often advise people with severe milk allergies that eating in restaurants is very risky—potential contamination is just too likely. I counsel my patients to assess the restaurant's attitude towards food allergies and make a decision as to whether it seems safe to eat there. This means that eating out often requires extra time and effort for people dealing with food allergies.

Every step that a restaurant can take towards training its employees about the seriousness of food allergies and procedures that can be taken to make it safe is a step in the right direction. Good communication between a restaurant and a food-allergic diner cannot happen until the restaurant employees are educated about food allergies. Once they understand, this communication can be productive making it possible for people with food allergies to eat safer meals at restaurants.

The Montgomery County Food Allergen Awareness bill will require area restaurants to take the first steps towards making dining out safer for people with food allergies. I urge you to do all that is necessary to pass this bill.

Sincerely,



Robert A. Wood, M.D.
Professor of Pediatrics and International Health
Director, Eudowood Division of Pediatric Allergy and Immunology