



# ALEXANDRIA HEALTH DEPARTMENT

## Environmental Health Division

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## **Summary of the Proposed Changes to The Food Safety Code of the City of Alexandria**

If adopted, the proposed changes to Alexandria's food safety ordinance will:

### **Program Administration**

- Rename the ordinance the "The Food Safety Code of the City of Alexandria". (The name change will more clearly identify the purpose of the code)
- Adopt the 2013 FDA Code by reference and automatically adopt future versions of and supplements to the FDA Food Code as they are released. (This is the same process Arlington uses for updating their Food Code)

### **Food Protection Manager**

- Require a photograph on the CERTIFICATE identifying a FOOD PROTECTION MANAGER (This codifies current practice)
- Eliminate the use of the Limited Certified Food Manager (LCFM) certificate in Alexandria (With the changes to the FDA Food Code, the LCFM is now unnecessary)
- Not require a FOOD PROTECTION MANAGER (FPM) for facilities that sell only pre-packaged TCS foods and do no food preparation or handling (like drugstores or ice cream trucks) provided that they measure the temperature of their refrigeration units at least twice a day and keep a log of these measurements (This will make code compliance less burdensome for these types of operations. Larger companies will probably use automated temperature recording devices that alarm when temperatures are too high.)
- Not require an FPM for facilities that sell only non-TCS foods (like popcorn or shaved ice vendors) provided that they implement a documented EMPLOYEE training program that provides training to all EMPLOYEES at least quarterly on hand washing, their Employee Health Policy, and the proper way to wash, rinse and sanitize UTENSILS and EQUIPMENT (This will make code compliance less burdensome for these types of operations. The training should take 15 minutes. The Health Department will provide the training materials)

### **Catering**

- Add a definition of "catering" to the regulations. Catering does not include take-out or delivery of foods or preparation of food in a home by a private chef or cook (This will clear up confusion over the use of this term.)

- Require a FOOD ESTABLISHMENT that offers CATERING services to indicate that on their PERMIT application (This codifies current practice.)
- Require that a CATERING menu and plans and specifications be submitted to the DIRECTOR for his review and approval whenever an applicant for a FOOD ESTABLISHMENT PERMIT indicates their intention to offer CATERING services. The plans and specifications should include the EQUIPMENT necessary to safely transport FOOD from the FOOD ESTABLISHMENT to a remote location and safely hold and serve it. The plans and specifications should also include the EQUIPMENT necessary to safely prepare FOOD if some or all of the FOOD preparation will be done at the remote location. (This codifies current practice and code intent)

### **Commissaries**

- Add a definition of "commissary" to the regulations (This will clear up confusion over the use of this term.)
- Require MOBILE FOOD ESTABLISHMENTS to provide evidence that the health department in the jurisdiction where the COMMISSARY for their MOBILE FOOD ESTABLISHMENT is located has inspected the facility and conducted a plan review to verify that there is sufficient space, EQUIPMENT, and capacities to act as the COMMISSARY for the MOBILE FOOD ESTABLISHMENT.

### **Enforcement**

- Eliminate the code section requiring closure of a FOOD ESTABLISHMENT if there is no FOOD PROTECTION MANAGER present. (We can not justify closing a FOOD ESTABLISHMENT if there is no imminent public health hazard. This codifies current practice.)
- Eliminate criminal prosecution as an enforcement tool except in cases of injury or death (Inspection, administrative conferences, hearings, civil penalties, suspensions, revocations, and closure orders are more than sufficient)
- Establish increased civil penalties for repeat or flagrant code violations (\$100 for 1<sup>st</sup> violation, \$250 for second violation, \$500 for third or subsequent violations within a 12 month period). (Civil penalties are generally used when educational efforts by the Health Department fail. The current \$50 (1<sup>st</sup> violation) and \$100 (subsequent violation within 12 months) civil penalties are sometimes not a sufficient deterrent. The amount of these penalties has not been raised since they were first adopted in 1997. Only 54 (7%) of the more than 750 food establishments in Alexandria were assessed civil penalties in 2013.)
- Establish increased civil penalties for operating a FOOD ESTABLISHMENT without a PERMIT (\$1,000). (Eight FOOD ESTABLISHMENTS were found operating in Alexandria without a permit in 2013. Six of these were food trucks. The current \$50 civil penalty is not sufficient to prevent persons from operating a FOOD ESTABLISHMENT without a PERMIT or inspection by the Health Department.)
- Establish increased civil penalties for operating a FOOD ESTABLISHMENT after a PERMIT has been suspended or revoked (\$5,000). (Although this rarely happens, the penalties should be substantial enough to be a deterrent to operating a FOOD ESTABLISHMENT when there is an imminent health hazard and the health Department has suspended or revoked the PERMIT. The current \$50 civil penalty is not a sufficient deterrent.)

If you have questions about the proposed changes, please email Environmental Health Manager Bob Custard at [Bob.Custard@vdh.virginia.gov](mailto:Bob.Custard@vdh.virginia.gov).