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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON PUBLIC HEALTH AND

4

HUMAN SERVICES

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, June 5, 2007
2:15 p.m.

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PRESENT:

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COUNCILWOMAN MARIAN B. TASCO, CHAIR

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COUNCILMAN JAMES F. KENNEY

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COUNCILWOMAN DONNA REED MILLER

COUNCILMAN BRIAN J. O'NEILL

COUNCILWOMAN BLONDELL REYNOLDS BROWN

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BILL 070189 - An ordinance amending Title 6 of
The Philadelphia Code, entitled "Health Code,"
by providing that all persons engaged in the
preparation of food and especially those in
the fast food establishments shall wear
protective gloves...

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BILL 070308 - An ordinance amending Title 6 of
The Philadelphia Code, entitled "Health Code,"
by requiring semiannual inspection of mobile
food vendors...

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COUNCILWOMAN TASCO: Good

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afternoon. This is the Committee on

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Public Health and Human Services. I'd

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like to note that we have a quorum in the

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presence of Councilman O'Neill,

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Councilwoman Miller, Councilwoman

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Blondell Reynolds Brown, Councilman

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Kenney and Councilwoman Tasco as Chair.

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The testimony we have is on

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both bills, so we'll have both bills read

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into the record.

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THE CLERK: Bill No. 070189, an

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ordinance amending Title 6 of The

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Philadelphia Code, entitled "Health

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Code," by providing that all persons

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engaged in the preparation of food and

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especially those in the fast food

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establishments shall wear protective

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gloves and wear a suitable head covering

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or hair restraint to protect the food

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from contamination.

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Additionally, Bill No. 070308,

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an ordinance amending Title 6 of The

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Philadelphia Code, entitled "Health

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 Code," by requiring semiannual inspection
3 of mobile food vendors and providing for
4 fees, all under certain terms and
5 conditions.

6 COUNCILWOMAN TASC0: Thank you
7 very much.

8 Is there someone here to
9 testify on these bills? Mr. John Rafe,
10 is he present?

11 UNIDENTIFIED SPEAKER: He
12 stepped out for a minute.

13 COUNCILWOMAN TASC0: Is there
14 anyone else here to testify on these two
15 bills?

16 (No response.)

17 COUNCILWOMAN TASC0: We'll just
18 stand in recess until he returns. Thank
19 you.

20 The Law and Government hearing
21 will follow immediately after this
22 hearing, which should not take very long.

23 (Short recess.)

24 COUNCILWOMAN TASC0: Good
25 afternoon.

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 MR. RAFES: Good afternoon.

3 COUNCILWOMAN TASCO: Would you
4 identify yourself for the record, please,
5 and proceed with your testimony.

6 MR. RAFES: My name is John
7 Rafes, Director of Environmental
8 Services.

9 COUNCILWOMAN TASCO: Do you
10 want to read your testimony or you want
11 to summarize it, however you want to do
12 it.

13 MR. RAFES: Good afternoon,
14 Chairwoman Tasco and members of the
15 Committee on Public Health and Human
16 Services. I am John Rafes, Director of
17 the Environmental Health Services
18 division of the Department of Public
19 Health. Thank you for the opportunity to
20 speak about the proposal to amend Title 6
21 of The Philadelphia Code to change
22 certain requirements of the City's food
23 inspection program.

24 In accordance with the Home
25 Rule Charter and Title 6 of The

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.
2 Philadelphia Code, the Department of
3 Public Health has the responsibility for
4 regulating the operation of food
5 establishments within Philadelphia to
6 protect the wholesomeness of foods and
7 the health of the ultimate consumers of
8 these foods. The Department regulates a
9 variety of types of retail food sales and
10 eating and drinking establishments using
11 applicable portions of the Department's
12 regulations governing food
13 establishments, which are, as with all
14 regulations of the Department, adopted by
15 the Philadelphia Board of Health. The
16 Department and the staff of Environmental
17 Health Services and the Office of Food
18 Protection take this responsibility very
19 seriously.

20 The first part of Bill 070189
21 would establish new sections, Section
22 6-407 and Section 6-408, under Chapter
23 6-400, Miscellaneous Standards and
24 Requirements. The proposed Section 6-407
25 of the City Code sets forth requirements

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.
2 for persons engaged in the preparation of
3 food to wear protective gloves and wear
4 suitable head coverings to protect the
5 food from contamination. The issue of
6 preventing contamination of food items is
7 an important part of our food inspection
8 program and, as such, has been addressed
9 in the food establishment regulations
10 used by the Department as they evolved
11 over many years to the regulations that
12 are in place today. Indeed, Section
13 5-1.2 of the regulations governing food
14 establishments prohibits unnecessary
15 personal contact of exposed ready-to-eat
16 foods by bare hands through the use of
17 suitable utensils, deli tissue, spatulas,
18 tongs or single-use gloves. In addition,
19 Section 9-02 of the regulations includes
20 requirements that proper personal hygiene
21 practices be taken by food handlers,
22 including specifically that suitable head
23 coverings or hair restraints be used to
24 protect food from contamination. These
25 food protection requirements are already

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 components not only of the food
3 establishment inspection process, but
4 also the food handler education and
5 certification process required under the
6 regulations.

7 The second part of Bill 070189
8 would establish Section 6-408 requiring a
9 biannual inspection frequency for mobile
10 food vendors engaged in the preparation
11 of food for immediate consumption. In
12 November 2006, as part of the
13 Department's testimony to the Committee
14 on Public Health and Human Services on
15 the subject of food establishment
16 inspection program, we provided details
17 of the risk-based inspection program we
18 were and continue to be in process of
19 implementing. Rather than a fixed number
20 of annual inspections of all food
21 establishments, the risk-based program
22 establishes an appropriate range of from
23 one to four inspections annually for
24 specific establishments or establishment
25 classes depending on the assigned risk

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.
2 category. Risk categories of all our
3 food-handling establishments, including
4 mobile food vendors, are based on the
5 thorough evaluation of the entire
6 food-handling operation and the potential
7 for food-borne illness to occur. Under
8 the risk-based program, the risk level of
9 mobile food vending operations addressed
10 in the proposed bill would be such that
11 this entire class of vendors would
12 require biannual inspections.
13 Accordingly, the Department anticipates
14 that when the risk assessing procedures
15 are complete and the risk-based program
16 is fully implemented, the category of
17 mobile food vendor operations engaged in
18 preparation of food for immediate
19 consumption will receive a minimum of two
20 inspections per year.
21 Bill 070308 would require the
22 biannual inspections of mobile food
23 vendors as a condition of biannual
24 licensing. It would also require that
25 the inspection protocol include the

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.
2 specific requirements that the mobile
3 food cart operator have a valid Food
4 Establishment Personnel Food Safety
5 Certificate and that the cart have a
6 current food vending license issued by
7 the Department of Licenses and
8 Inspections. Currently, under Section
9 19-01.3 of the regulations, mobile food
10 vending operators are already required to
11 conspicuously place the Food Safety
12 Certificate and the applicable License
13 and Inspection food license as are
14 required of all food establishments.

15 While we in the Department of
16 Public Health fully agree with the
17 intended objectives of each aspect of the
18 proposed additions to the Health Code,
19 based upon the application of the current
20 regulations in our inspection process and
21 the scheduled adoption of the risk-based
22 inspection program, we believe that these
23 additions are not needed at this time in
24 order for the Department to meet the
25 objectives of the food establishment

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.
2 inspection program.

3 Thank you for the opportunity
4 to present testimony today. I will
5 answer any questions at this time.

6 COUNCILWOMAN TASC0: Thank you.

7 Are there any questions from
8 any members of the Committee?

9 (No response.)

10 COUNCILWOMAN TASC0: The
11 sponsor of the bill is not here. Is she
12 on her way?

13 MS. EUBANKS: She is on her
14 way.

15 COUNCILWOMAN TASC0: Because
16 evidently she had some specific reason
17 for introducing these two bills and
18 certainly we would like to know what they
19 are.

20 And we did have a hearing about
21 the food establishments and the
22 inspectors, and I wanted to ask you --
23 and her concern may be one of the
24 concerns I have on some of the vendors.

25 They do not use protective

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 gloves. They do not use plastic or
3 tissue. Some of them handle money and in
4 addition also handle food.

5 MR. RAFES: Yeah. There would
6 be -- if this bill were to pass as it is
7 written, it would present an issue to
8 mobile food vendors to make it impossible
9 to comply with the law. In each exchange
10 of food between a vendor, which is almost
11 always a single-person operation, it
12 requires the handling of money. As the
13 regulations are at the moment, the
14 vendors may use deli tissues and tongs to
15 serve food, accept money and continue in
16 this process and be in complete
17 requirement with the law. If this were
18 to pass, it would require every time a
19 food product would exchange between the
20 vendor and the customer and money is
21 accepted, that the gloves would have to
22 be removed, the hands would have to be
23 washed and the new gloves would have to
24 be applied. Considering the amount of
25 water that the vendors carry in their

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 tanks, this would be a physical
3 impossibility. There wouldn't be enough
4 water to wash their hands that many
5 times.

6 COUNCILWOMAN TASC0: So they
7 use the tissue to protect --

8 MR. RAFES: They use a deli
9 tissue -- they're supposed to use a deli
10 tissue to pick up the bun, the tongs to
11 place the hot dog in the bun and then
12 they can accept money without washing
13 their hands or using gloves, because
14 their hands never come in contact with
15 the food.

16 COUNCILWOMAN TASC0: So how
17 many inspectors do -- we went through
18 this before on my hearing. Have you all
19 hired additional food inspectors?

20 MR. RAFES: Since the hearings,
21 yes, we have hired three and we're hiring
22 more next week.

23 COUNCILWOMAN TASC0: How many
24 do you need really to do an adequate job?
25 Because you're not just inspecting

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 vendors, you're doing the restaurants and
3 all the other facilities we talked about
4 in the hearings before.

5 MR. RAFES: Well, the hiring of
6 the new inspectors and after their
7 training period and the adoption of the
8 risk-based program, we should have
9 adequate number of inspectors to inspect
10 establishments at least once a year, in
11 some cases two, three and four times a
12 year based on the risk.

13 COUNCILWOMAN TASC0: Are there
14 any other questions?

15 (No response.)

16 COUNCILWOMAN TASC0:
17 Councilwoman Campbell is here. It's
18 Councilwoman's bill, and certainly she
19 would probably have some questions for
20 you.

21 Without reading this testimony
22 again for the Councilwoman, could you
23 summarize the provisions of the bill and
24 what concerns or what some of the issues
25 you raised for her?

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 MR. RAFES: Certainly. A quick
3 summary would be that just about
4 everything or everything that's in the
5 bill is already within our current
6 regulations and currently being
7 practiced. More specifically, the
8 requirement for gloves would supersede
9 those requirements now which permit other
10 ways of preventing bare-hand contacts
11 with foods and would be actually
12 troublesome to single-person operations.

13 COUNCILWOMAN TASC0:
14 Councilwoman, do you have comments you
15 want to make about your bills?

16 COUNCILWOMAN CAMPBELL: This is
17 trying to get compliance with what he was
18 saying also about the gloves. Would he
19 reiterate that for me so there's no
20 misunderstanding.

21 COUNCILWOMAN TASC0: Why don't
22 you speak on each bill and summarize your
23 testimony, to the extent that you can, to
24 the bills for the Councilwoman.

25 MR. RAFES: Certainly. The

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 requirement for the hair nets is already
3 in place and we currently enforce that
4 provision of the Health Code.

5 The proposed requirement to
6 require gloves is already accomplished in
7 the concept that bare-hand contact with
8 ready-to-eat foods is already regulated
9 and permissible for vendors and other
10 food handlers to use other methods, such
11 as deli tissues, tongs, spatulas and
12 tools of that nature.

13 The provision for gloves is
14 actually somewhat troublesome if they are
15 required to use that as the only method
16 to prevent bare-hand contact for
17 single-person operations, as the
18 operators would have to wash their hands
19 and don new gloves after every exchange
20 of money or contact with customers'
21 hands, and for a single-person operation,
22 this would be difficult, if almost
23 impossible, to comply with.

24 COUNCILWOMAN CAMPBELL: Are you
25 telling me that you don't think gloves

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 are necessary?

3 MR. RAFES: Not specifically,
4 in lieu of the fact that our current
5 regulations have other ways to prevent
6 bare-hand contact with foods which are in
7 use today in most of the establishments
8 in Philadelphia.

9 COUNCILWOMAN CAMPBELL: Such
10 as? I've gone into restaurants or,
11 should I say, fast food establishments
12 and I've seen people -- although they
13 could also do it with gloves too --
14 scratch their hair and then touch the
15 food that they're dispensing to people.
16 I've also seen people with no covering on
17 their heads in a lot of establishments.
18 And there are a lot of false hair pieces
19 that people wear today that are very long
20 and seen some strands of hair fall out of
21 it right where the food is.

22 Now, if you have a mechanism in
23 place for this, then it's not very
24 effective, because I see this all the
25 time.

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2 As far as the gloves, I think
3 gloves do tend to cut down. We have so
4 many infections, diseases, many of which
5 today even the scientists cannot tell us
6 what the origin is from, and it seems to
7 me that it's incumbent upon us to do
8 everything we can to make it safer for
9 consumers what they eat.

10 MR. RAFES: Yes, Councilwoman.
11 The conditions that you've mentioned are
12 already violations of the Philadelphia
13 Health Code, and if we became aware of
14 them, we would investigate immediately.

15 COUNCILWOMAN CAMPBELL: Well,
16 tell me this: What mechanism do you have
17 in place to enhance what I'm saying or to
18 see that it becomes more effective?

19 MR. RAFES: I'm sorry. I don't
20 understand the question.

21 COUNCILWOMAN CAMPBELL: I'm
22 asking you what -- since you're telling
23 me no gloves, you don't think that's
24 wise, then tell me what else do you have
25 in place as an alternative that does

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 protect the consumer more?

3 MR. RAFES: The current
4 regulations provide for minimizing or
5 eliminating bare-hand contact with
6 ready-to-eat foods by the use of either
7 gloves, spatulas, tongs, deli tissues or
8 any other device that would prevent
9 direct-hand contact with ready-to-eat
10 foods, and we see that practice
11 routinely. For a good example would be a
12 hot dog vendor, where you observe them
13 picking up the bun with the deli tissue,
14 placing the hot dog in the bun with the
15 tongs, then collecting money.

16 COUNCILWOMAN CAMPBELL: Sir, I
17 go to many places that handles food for
18 consumers and it is rare, unless it's in
19 a supermarket where you're very easily
20 observed, it is rare that you see people
21 pick up a bun with a tissue. They pick
22 it up with their hand.

23 MR. RAFES: Well, I would agree
24 that there are violations of the Code
25 that we need to investigate.

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2 COUNCILWOMAN CAMPBELL: Then
3 why would you object to taking another
4 guarded measure by making people have to
5 wear gloves that they can throw away and
6 then if they do something, they can get
7 another pair of disposal gloves, which
8 would make it safer for the consumer?

9 MR. RAFES: We would be
10 reluctant to limit the options that food
11 operators have in preventing bare-hand
12 contact with food and making them use
13 only that option. Our feeling is that in
14 single-person operation and other
15 operations where there's contact with
16 money, that it's unlikely that they would
17 change their gloves hundreds of times a
18 day.

19 COUNCILWOMAN CAMPBELL: But
20 they should if it means protecting the
21 people.

22 You have a risk-based
23 inspection program?

24 MR. RAFES: We have been
25 developing a risk-based inspection

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 program since the fall. Our current
3 process is, it's ready to be implemented
4 as soon as our software development is
5 complete. We're anticipating the end of
6 the summer for completion.

7 COUNCILWOMAN CAMPBELL: Did you
8 bring anything with you today indicating
9 the progress that has been made with the
10 implementation of this so-called
11 risk-based program?

12 MR. RAFES: I'm sorry. I
13 didn't hear the question.

14 COUNCILWOMAN CAMPBELL: I said
15 did you bring anything with you today
16 indicating the progress that has been
17 made with the implementation of this
18 risk-based inspection program?

19 MR. RAFES: Yes. Within the
20 last year, we've entered into a
21 partnership with the FDA. We've started
22 an evaluation and assessment of our
23 entire food inspection program. We've
24 applied for funding in the amount of
25 \$200,000 from the Pennsylvania Department

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.
2 of Agriculture. We have received that
3 funding, and we have been working with
4 their software vendor since approximately
5 February in the development of the new
6 software which will enable us to
7 implement a risk-based inspection
8 program. We have just completed four
9 days of training with the FDA, who came
10 into Philadelphia for the expressed
11 purpose of training our staff in that
12 program.

13 COUNCILWOMAN CAMPBELL: That's
14 not what I said. I said did you bring
15 anything with you? The question was, did
16 you bring anything with you today
17 indicating the progress that has been
18 made with the implementation of the
19 risk-based inspection program? That's
20 what I asked.

21 MR. RAFES: I'm not sure I
22 understand the question. I just
23 indicated all the things we did to move
24 the risk-based inspection program along
25 to the point where we're ready to

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.
2 implement it at this time.

3 COUNCILWOMAN CAMPBELL: That is
4 not what I said. I asked you, did you
5 bring anything with you that you could
6 show --

7 MR. RAFES: I'm sorry. My
8 apologies. No, I did not bring anything
9 with me. No.

10 COUNCILWOMAN CAMPBELL: How
11 many food-handling operations will be
12 covered by the risk-based inspection
13 program?

14 MR. RAFES: Are you asking
15 about the number of food establishments
16 in the City?

17 COUNCILWOMAN CAMPBELL: I said
18 how many food-handling operations will be
19 covered by the risk-based inspection
20 program?

21 MR. RAFES: They all would.
22 Approximately 12,000 establishments in
23 the City of Philadelphia.

24 COUNCILWOMAN CAMPBELL: How
25 would you do that? I didn't know you had

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 that kind of manpower.

3 MR. RAFES: The current
4 manpower combined with the recently hired
5 inspectors, which are known as
6 sanitarians, and the inspectors, our
7 candidates we intend to interview next
8 week, all combined, by the implementation
9 date we should be in a good position to
10 implement a risk-based inspection
11 program.

12 COUNCILWOMAN CAMPBELL: How
13 many of the food-handling operations have
14 been successfully incorporated into the
15 risk-based program?

16 MR. RAFES: At this point, none
17 of them have been. This is all part of
18 the implementation process where
19 establishments will be categorized, and
20 the process of the categorization is,
21 that is almost complete at this time.

22 COUNCILWOMAN CAMPBELL: You
23 indicate that the proposed ordinance is
24 not needed and yet your risk-based
25 inspection program provides for exactly

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 what your program will ultimately do.

3 MR. RAFES: Well, I was
4 addressing the specific issues of the
5 legislation, specifically the need for
6 hair nets, which are already in the
7 current regulations, and also the
8 requirement that mobile food vendors who
9 prepare ready-to-eat foods be inspected
10 biannually. And according to a
11 risk-based inspection program, they will
12 be inspected the minimal time of twice
13 per year and a significant percentage of
14 them will be inspected many more times
15 than that.

16 COUNCILWOMAN CAMPBELL: Well,
17 frankly, I do intend to put an amendment
18 in, because I think we should have put in
19 there a minimum of twice a year.

20 MR. RAFES: They will be
21 inspected twice a year upon
22 implementation of the risk-based
23 inspection program.

24 COUNCILWOMAN CAMPBELL: It
25 seems contradictory to say wait until we

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 finish. The passage of this bill does
3 not prevent you from continuing with the
4 implementation of the risk-based program.

5 MR. RAFES: Of course.

6 COUNCILWOMAN CAMPBELL: Your
7 opposition to the ordinance really
8 doesn't make sense to me, because all I'm
9 trying to do here is to try to find
10 another way to protect the consumer, to
11 protect the people. If I'm going to
12 California and I take a plane and you
13 take a train, it doesn't make any
14 difference so long as we both get there.

15 MR. RAFES: Well, we're
16 definitely in agreement with the goals of
17 the program. There's no doubt about
18 that, Councilwoman.

19 COUNCILWOMAN CAMPBELL: I just
20 don't understand your objection to
21 gloves.

22 MR. RAFES: Our opposition is
23 that we don't want to limit the methods
24 by which people can comply with the law
25 when there are other methods that are

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 currently being practiced and are
3 currently working.

4 COUNCILWOMAN CAMPBELL: I don't
5 think that's been proven. If it was, you
6 wouldn't be working on the implementation
7 of this new program.

8 MR. RAFES: Well, we won't deny
9 that there's room for improvement and
10 also that with the frequency of
11 inspection of whether it's once, twice or
12 three or four times a year, there will
13 often be circumstances where people
14 violate the law, and hopefully that we
15 depend on the consumers for letting us
16 know about that so we can perform
17 investigations.

18 COUNCILWOMAN CAMPBELL: Is your
19 department prepared to guarantee that
20 they will do three to four inspections a
21 year for every facility?

22 MR. RAFES: No. That's not
23 part of the risk-based program. Only
24 categories of critical will receive three
25 and four inspections a year. These

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2 include facilities such as hospitals,
3 nursing homes and other places where
4 immuno-compromised patients may reside.
5 Other facilities, such as restaurants
6 that prepare food, will be inspected
7 twice per year, and establishments that
8 have pre-packaged food may drop down to
9 an inspection frequency of less than one
10 a year because of their limited risk.

11 COUNCILWOMAN CAMPBELL: You
12 don't think a restaurant could have a
13 whole lot of diseases in there or the
14 bacteria that could create them?

15 MR. RAFES: Undoubtedly,
16 restaurants are responsible for issues of
17 that, yes.

18 COUNCILWOMAN CAMPBELL: Okay.
19 Thank you.

20 MS. McCANDLESS: Councilwoman,
21 would you mind us saying something?
22 (Unintelligible.)

23 COUNCILWOMAN TASC0: Just a
24 minute. Could we bring you around so you
25 can testify?

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 MS. McCANDLESS: I'd rather
3 stay here with my people.

4 COUNCILWOMAN TASC0: Well, we
5 can't hear you.

6 MS. McCANDLESS: That's okay.
7 I'll -- (unintelligible.)

8 COUNCILWOMAN TASC0: Can you
9 hear her?

10 COURT REPORTER: No.

11 COUNCILWOMAN TASC0: She cannot
12 hear you. The secretary can't hear you.

13 Sharon, see if Councilman
14 Kenney's mike will reach over there.

15 MS. LOSIER: It's not going to.

16 COUNCILWOMAN TASC0: It won't
17 reach?

18 You have to come inside the
19 gate, please. If you can go right to the
20 table and identify yourself right there
21 where he is.

22 MS. McCANDLESS: Right here?

23 COUNCILWOMAN TASC0: Yes.

24 You can pull the mike around to
25 the side for her, Sharon.

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2 MS. MCCANDLESS: My name is
3 Michelle McCandless. I'm an advocate at
4 Disabled in Action, Liberty Resources.
5 I'm a person that takes individuals in
6 the community, but I also visit nursing
7 homes. At one time, I was in a nursing
8 home. I ate the food there, then I go
9 into the community.

10 I guess this is a Councilwoman
11 now? This is the first time I've been
12 back since I was put in a nursing home,
13 but I do go visit people in nursing
14 homes, and I can tell you a lot of places
15 I've been to, people don't put on or
16 don't use the tongs that they're supposed
17 to. You're talking about all this
18 computer work, but you're not talking
19 about going out and actually visiting
20 these people that prepare these foods.
21 They do use their hands. There's not a
22 lot of cameras that are actually taping
23 these people. You're talking about them
24 doing all this computer work.

25 If people aren't supposed to

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 get sick out in this community and you're
3 talking about people coming to actually
4 report this mess -- I get stuck in the
5 hospital a lot. Many people get stuck in
6 the hospital a lot. Are you ready to
7 prepare people's hospital bills and if
8 they report this stuff? Because people
9 get sick in the nursing home. They don't
10 report this stuff to the Health
11 Department. They just lock them in their
12 rooms, put them on their medicine. If
13 they get weak enough, they wind up in the
14 hospital and then back up in the nursing
15 home.

16 So you don't hear half the mess
17 when they get food poisoning. So some of
18 this food you're actually talking about,
19 you don't actually hear what actually
20 goes on. And many people in the
21 community, if they actually get sick, the
22 food places don't actually report,
23 because they don't want to hear.

24 So you're talking about all
25 this and all you're doing is the

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2 technology on this thing that you're
3 actually putting up for. I heard you
4 sitting up here talking to the
5 Councilwoman. You're talking about the
6 computer part of it, but you're not
7 actually talking about the consumers that
8 have to eat this food. Because I'm
9 taking consumers out into the community
10 now that actually get locked up in the
11 nursing home, that don't get to eat this
12 restaurant food or the places that go out
13 in the community. To them, this is a
14 treat. I don't want to see them get
15 sick, even the people that go into the
16 nursing home and have to eat this
17 pre-packaged food. I know this because I
18 was in a nursing home and we have many
19 brothers and sisters that are in a
20 nursing home that get sick off of some of
21 this food. I wouldn't even eat it, and I
22 was in a nursing home.
23 So you'd be awful surprised.
24 So don't say these people don't need
25 gloves, because they do. Let me see you

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2 eat it after a hair is in it, after a
3 fingernail is in it or something else
4 that you wouldn't want to eat.

5 Thank you.

6 COUNCILWOMAN TASC0: Thank you
7 very much for your testimony.

8 Is there anyone else to
9 testify?

10 (No response.)

11 COUNCILWOMAN TASC0:
12 Councilwoman, you have additional
13 questions?

14 COUNCILWOMAN CAMPBELL: No.

15 COUNCILWOMAN TASC0: Yes,
16 Councilman O'Neill.

17 COUNCILMAN O'NEILL: I don't
18 know if we have the time today, but I'd
19 be interested in learning what this
20 risk-based system is. I mean, I can't
21 find a problem with wearing gloves. I've
22 seen people do gloves, take gloves off,
23 put them back on, make change.
24 Councilwoman Miller was just mentioning
25 just recently being in a bakery where a

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2 lady was able to do it all by herself
3 rapid fire, gloves on, gloves off, take
4 change, handle the customer.

5 More inspections, more random
6 inspections. But there's another area --
7 I know it's not in the legislation, but I
8 think it's where the Councilwoman is
9 going -- is public information. There
10 are a lot of cities and towns in the
11 United States where you go into a
12 restaurant, they have posted on their
13 restaurant, as a requirement of that
14 community, when they were most recently
15 inspected and what their grade was and
16 what the grade means. And believe me,
17 that is the best pressure any restaurant
18 will ever have placed on them to do
19 things right. Not knowing when an
20 inspector is coming, know they come
21 fairly often, know the regulations are
22 strict and that the whole public is going
23 to -- the entire public is going to know,
24 because some of these are pretty fancy
25 restaurants and they have pretty low

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2 grades for these inspections, and nobody
3 wants to eat there if they know that,
4 because you're like saying, I want to eat
5 in a place that's unhealthy, that's not
6 sanitary.

7 So I think this is sort of a
8 step, but I think eventually you get
9 enough inspections where people know
10 you're going to be around and you let
11 people post -- let the restaurants post
12 or have to post what the scores are, what
13 their grade was and when their last
14 inspection was and what it means. If
15 they didn't get an A and they've got a B
16 or a B plus, there's different grades to
17 these things. I don't want to go
18 anywhere that's not getting an A. I
19 mean, a B means there was something
20 there. And they tell you what the
21 problems were, because right now, no one
22 knows.

23 COUNCILWOMAN TASC0: We had
24 that discussion when we had the hearings
25 on the food handlers. That committee is

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2 still in recess, so we can call them back
3 in the fall to get an update.

4 By the end of the summer if you
5 have your risk management program, we
6 certainly want to hear about that and
7 also hear about the number of food
8 inspectors that you have hired and also
9 to talk about the issue of certification.

10 COUNCILMAN O'NEILL: Public
11 notice of it. Consumer right to know. I
12 just think it's basic.

13 COUNCILWOMAN TASC0: Right.

14 Okay. Are there any other
15 questions?

16 (No response.)

17 COUNCILWOMAN TASC0: Thank you.
18 We will adjourn the public hearing and go
19 into the public meeting.

20 The Chair calls on Councilwoman
21 Blondell Reynolds Brown to report out
22 Bill 070189.

23 COUNCILWOMAN BROWN: Thank you,
24 Madam Chair. I move that Bill No. 070189
25 be reported out of Committee with a

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 favorable recommendation and further move
3 that the rules of Council be suspended so
4 as to permit first reading at the next
5 scheduled session.

6 (Duly seconded.)

7 COUNCILWOMAN TASC0: It has
8 been moved and seconded that Bill 070189
9 be reported out of Committee with a
10 favorable recommendation and a request
11 for a suspension of the rules.

12 All in favor will say aye.

13 (Aye.)

14 COUNCILWOMAN TASC0: Is there
15 any opposition?

16 (No response.)

17 COUNCILWOMAN TASC0: There
18 being no opposition, the motion is
19 carried.

20 The Chair recognizes
21 Councilwoman Miller to report out Bill
22 No. 070308.

23 COUNCILWOMAN MILLER: Thank
24 you, Madam Chair. I move that Bill No.
25 070308 be reported out of this Committee

1 6/5/07 - PUBLIC HEALTH - BILL 070189, ETC.

2 with a favorable recommendation and
3 further move that the rules of Council be
4 suspended so as to permit first reading
5 at our next session.

6 (Duly seconded.)

7 COUNCILWOMAN TASC0: All in
8 favor?

9 (Aye.)

10 COUNCILWOMAN TASC0: It has
11 been moved and seconded that Bill 070308
12 be reported out of Committee with a
13 favorable recommendation and a request
14 for the suspension of the rules.

15 All in favor will say aye.

16 (Aye.)

17 COUNCILWOMAN TASC0: Thank you
18 very much.

19 This meeting is adjourned.

20 (Committee on Public Health and
21 Human Services adjourned at 2:45 p.m.)

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