

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

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Ned Lamont
Governor
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Environmental Health Section

EHS Circular Letter 2020-11

To: Local Directors of Health
Chief Sanitarians
Certified Food Inspectors

From: Tracey Weeks, MS, RS
Coordinator, Food Protection Program

Date: March 23, 2020

Subject: Guidance on Food Safety Issues during COVID-19 Situation – Essential Businesses and Resources

The purpose of this notice is to provide guidance and clarification to local health departments (LHDs) during the current COVID-19 pandemic as it relates to food safety. This situation is affecting everyone in many ways and is changing rapidly. It is difficult to present guidance under these circumstances, but the Department of Public Health Food Protection Program (FPP) believes it is important to provide information to LHDs that may be helpful as they conduct both emergency and routine food safety activities within their jurisdictions.

EXECUTIVE ORDERS PERTAINING TO FOOD

Governor Ned Lamont's Executive Orders have included language that pertains to food establishments. The following provides a summary of the orders related to food based on the Executive Orders, Department Orders to implement the Executive Orders, and press releases from the Governor's Office that provide clarification on some of the issues and guidance for local health departments.

Executive Order No. 7D issued on March 16, 2020 and effective at 8 p.m. on March 16, 2020 and through April 30, 2020, placed limits on restaurant, bar and private club operations. This order stated that any restaurant or eating establishment and any location licensed for on-premise consumption of alcoholic liquor in the State of Connecticut, shall only serve food or non-alcoholic beverages for off-premises consumption.

Executive Order No. 7F issued on March 18, 2020 and effective at 8 p.m. on March 19, 2020 through April 30, 2020, updated Order No. 7D and required the closure of large shopping malls specifically the Brass Mill Center in Waterbury, the Connecticut Post Mall in Milford, the Crystal Mall in Waterford, the Danbury Fair Mall in Danbury, the Stamford Town Center in Stamford, The Shoppes at Buckland Hills in Manchester, the SoNo Collection in Norwalk, Westfarms Mall in Farmington, the Westfield Mall in Meriden and the Westfield Mall in Trumbull. However, the order further stated that restaurants or other food establishments located within or connected to Large Shopping Malls, which have their own



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external entrances and exits, separate from the general entrances to the Large Shopping Malls, may remain open to the public, provided that only the separate entrances and exits are used and there is no onsite consumption.

Executive Order 7G issued on March 19, 2020 and effective at 12:00 p.m. on March 20, 2020 further modified Executive Order 7D by allowing any business with an active restaurant, cafe or tavern liquor permit issued by the Department of Consumer Protection to sell sealed containers of alcoholic liquor for pick up by consumers provided the sale includes a pick-up order of food prepared on the premises, the type of alcoholic liquor sold for off-premise consumption is the same as what their permit type allows for on-premise consumption prior to Executive Order 7G, and the hours that include alcoholic liquor as part of the take-out order are the same as those for a package store. Delivery of alcoholic liquor by licensees with these permit types is not permitted.

The DCP implementation order for Executive Order 7G states that, "Such locations may only be open for customers to order, pick up orders of food, nonalcoholic beverages, and sealed containers of alcoholic liquor **as received by the wholesaler.**" (emphasis added) DCP has confirmed in a personal communication that mixed drinks are not allowed. Such locations cannot mix an alcoholic drink and put it in a to go cup for a customer or pour an alcoholic beverage into a bag and seal it as is sometimes done for storing food. Only intact previously unopened containers may be offered with food. Restaurants may sell draft beer, but it must be in containers provided by the restaurants. Violations should be reported to the police who have enforcement authority over the Governor's orders.

Executive Order 7H issued on March 20, 2020 ordered Non-Essential services to close on March 23, 2020 at 8 p.m. and through April 22, 2020. Essential Services include food establishments, such as restaurants, grocery stores, bars, and convenience stores that sell food, health care and corporate cafeterias, farmers' markets, food trucks and other facilities that sell food. In the Governor's press release issued that same day he said, "**Businesses and entities that provide other essential services should implement rules that help facilitate social distancing of at least six feet.**"

CLARIFICATION AND LOCAL HEALTH DEPARTMENT ROLE

Food establishments as described above, have been ordered to serve food for off-site consumption either by takeout or delivery only. The ban does not prohibit customers from entering the establishment to pick up their food order or use the public restrooms, however, it is recommended that establishments control the number of individuals in the establishment at one time to avoid congregating while waiting and encouraging customers to practice social distancing while waiting.

Those establishments with licenses to sell alcohol may sell it provided the customer's order includes food and the alcohol is sealed as received by the wholesaler. The public is prohibited from consuming food and/or alcoholic beverages at the food establishment where it was prepared even while waiting for a takeout order.

The Governor's office further clarified that Executive Order No. 7D regarding the prohibition of gatherings of 50 people or more does not pertain to food banks, mobile food distributors, or farmers markets. Farmers' Markets should be treated the same as retail food stores that sell fresh fruits and vegetables and prepackaged foods that they normally would sell. Tastings and samplings should be discouraged.

Onsite workplace cafeterias including hospital cafeterias and inpatient psychiatric dining facilities, do not need to close or stop serving food. Employees in general are encouraged to bring their own meals to work if possible, rather than using such facilities. To the extent feasible, employers are encouraged to permit or require employees who order food at workplace cafeterias to eat those meals in private workspaces. If employers permit employees to eat food within workplace cafeterias, they should implement appropriate social distancing measures and make every effort to minimize the number of people congregating within a confined space or area.

Cafeterias and other food establishments are advised to also stop self-serve food and drinks such as buffets and salad bars, soups, fountain sodas, and coffee. Reusable food and drink containers should not be allowed. Since food preparation is still occurring at the food establishments that remain open for this limited service, certified food inspectors may wish to provide food establishment staff with additional guidance to ensure all aspects of safe food preparation, handling and service are being followed at this time. It should be stressed to operators of all food establishments that they should continue to have Active Managerial Control over the risk factors that cause foodborne disease, with special emphasis on having good hygienic practices, including a strong policy that enforces reporting of illness symptoms and exclusion of ill food workers. Additionally, given that onsite dining is now prohibited, it is important to ensure that food establishments who are providing delivery service have adequate equipment to maintain safe temperatures.

Understanding that local health departments are extremely busy focusing their efforts on COVID-19, to the extent possible it is advised that foodborne outbreaks be prioritized, and inspectors be alert to unlicensed food operations that may try to take advantage of the current situation. Risk based inspections of food establishments should be conducted as resources allow. Although local health departments are extremely busy, food operators need to be reminded how important it is during these times to ensure that safe practices are followed. When feasible, the focus for inspections should be on high risk establishments – those with complex processes.

Enforcement

Local police or the resident state police (if the town does not have a local police department) have authority to enforce violations of the Governor's Executive Orders. Establishments allowing onsite consumption or the sale of alcoholic beverages not in line with the Executive and Implementation Orders should be reported.

Social Distancing

It is imperative that food establishments continue to operate in the safest manner possible. Some establishments with employees found to be positive for COVID-19 have been closed or numbers of employees considered to be close contacts excluded for self-monitoring. These scenarios present a hardship to not just the business and the employees, but also to the public as they result in another barrier to accessing food and may lead to consumer panic. We have received calls from food establishment employees who are fearful of coming to work because of the lack of social distancing. A reduced workforce puts an additional burden on food establishments in an already stressful situation making it even more important to provide guidance on social distancing and the importance of following food safety procedures. These workers are being asked to come to work when many others are being told to stay home and stay safe and therefore, we need to do what we can to reduce their risk.

The Food Protection Program (FPP) is advising local health departments to provide guidance to these essential businesses on the importance of maintaining social distancing as much as possible. A sample guidance document was sent earlier today that you may wish to use. If possible, reviewing with a manager in person is best, as this will also allow you to evaluate their conformance with the Governor's guidance. Feel free to modify the document with additional guidance (in line with the Executive Orders and national guidance from reliable sources such as CDC and FDA) and your department logo. Please share any revisions or suggestions with the FPP by emailing to Samantha.fresilli@ct.gov and judeen.forth@ct.gov so that we may update others with the additional guidance.

Summary

Information concerning food establishments included in Governor Lamont's Executive Orders, press releases, and clarifications from his office and DCP's implementation order regarding alcohol include the following:

- Food establishments are considered to provide an essential service during this emergency.
- Food establishments may remain open, but no onsite consumption is allowed.
- Food may be provided only as takeout orders or by delivery service.

- Customers may enter food establishments to pick up orders and use public restrooms.
- Social distancing between customers and employees is to be practiced as much as possible.
- Businesses with an active restaurant, cafe or tavern liquor permit issued by DCP can sell sealed containers of alcoholic liquor. Per DCP's implementation order this means sealed containers **as received by the wholesalers**. No mixed drinks are allowed.
- Shopping malls are closed except that food establishments in such malls may remain open for takeout and delivery service only provided they have a separate entrance and exit. (The common areas of malls are closed.)
- Healthcare and essential workplace cafeterias may remain open although employees are encouraged to bring their own meals, eat at their own workspaces, if eating in the cafeteria dining space, social distancing is to be implemented as much as possible.
- Food establishments should stop self-serve food and drinks and the use of reusable food and drink containers.
- Violations of the Governor's Executive orders should be reported to the police as they have enforcement authority.

The Department of Public Health provides the following advice:

- Food workers who are positive for COVID-19 must be excluded until 72 hours after their fever breaks or one week after symptoms began, whichever is longest.
- Food workers considered to be close contacts of a positive coworker must self-quarantine for 14 days.
- Food establishments must comply with Sections 19-13-B42 and 19-13-B48 as applicable.
- Active managerial control is essential and must be practiced to reduce the risk of foodborne disease.
- Certified food inspectors should, as resources allow, conduct foodborne outbreak investigations as necessary, conduct risk-based inspections of food establishments, encourage social distancing, and be aware and report unlicensed food establishments that may try to take advantage of the current situation.
- Report violations of Executive Orders to the police.

Finally, the Food Protection Program encourages local health departments to stay in contact and report any issues or concerns to us. Please let us know if you find food establishments allowing onsite dining or have questions about the Executive Orders. We are all doing our best in a situation that we have prepared for over several years. It is critical that we work together to get through this crisis. Please stay safe and thank you for your commitment to food safety and all the other aspects of public health you are involved with at this time.

Any questions or concerns should be sent to Tracey Weeks at Tracey.Weeks@ct.gov.

Note: Executive Orders and related documents can be found at www.ct.gov/coronavirus

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