



# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH ENVIRONMENTAL HEALTH SECTION

EHS Circular Letter #2011-49

To: Local Directors of Health  
Chief Sanitarians  
Certified Food Inspectors

From: Food Protection Program

Date: August 25, 2011

Subject: **Guidance for Food Safety in the Aftermath of a Hurricane or Other Natural Disaster**

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In view of the impending storm that is expected to affect Connecticut in the next 72 hours, the Food Protection Program (FPP) is sending this reminder to local health departments that may need to respond to impacted food service establishments. The FPP has provided local health departments with guidance for food establishments affected by emergencies and natural disasters such as hurricanes in the past in the form of circular letters, reference manuals, an emergency investigation kit, and training. The FPP has provided all local health departments and certified food inspectors with the *Food Emergency Pocket Guide* from the Association of Food & Drug Officials as a resource for use during emergencies. Additional information and guidance materials referenced below can also be a source of information when responding to affected regulated food establishments and consumer inquiries.

### **Summary of Procedures by Local Health Departments for Food Establishments Affected by a Hurricane**

Following a hurricane, there are potential health concerns that can be created by the disruption of electricity and water supplies. If power is interrupted, the resultant loss of mechanical refrigeration can adversely affect the wholesomeness of food. Torrential rains often cause flooding that may expose food, food contact surfaces, food equipment and people to human and animal waste or debris that may contain pathogens.

Assessments will be needed at food establishments to determine if the emergency has impeded their ability to prepare and serve food safely. An assessment should consider the impact on the food establishments' critical infrastructure and the availability of alternative procedures that can be used to meet the CT regulations and ensure consistent compliance with food safety requirements.

- Potable Water – If the potability of the water system supplying water to the food establishment is compromised, the establishment must be closed until the food service establishment can demonstrate to the local health department an approved alternate interim water source is provided. The FPP and the Drinking Water Section have developed Water Emergency guidance documents that can be found on the DPH website at [www.ct.gov/boilwater](http://www.ct.gov/boilwater) [scroll down to 'Information for Local Health Departments Regarding Food Establishments' for specific guidance].
- Electricity – The response to a power outage or interruption depends on many factors including duration of power loss, ambient air temperature, type of equipment, volume of food, etc. Guidance can be provided to determine whether potentially hazardous foods need to be discarded. However, if there are uncertainties about time and temperature, food should always be discarded.
- Structural Integrity of Facility
  - Condition of the physical structure of the establishment should be in compliance with local building and occupancy codes in a manner that does not compromise the safe and sanitary handling of food and equipment or the safety of employees.
  - The presence of water, moisture, and pests must be assessed and addressed.
  - All mud and debris is removed from inside and outside of premises (if outside standing water is contaminated soil may also be contaminated).

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### Food Establishment Guidance:

Local health jurisdictions are urged to conduct follow-up investigations (on-site if feasible) with food establishments to determine if the emergency has interrupted power, water or other utility services, which may impede their ability to prepare food safely. The director of health may need to issue a blanket closure order to food service establishments through the media that is followed by written orders. The closure provides an interim measure of protection to the public while authorities determine what is required to resume safe operation.

A food establishment that was ordered or otherwise required to cease operation may not re-open until the local director of health has rescinded the closure order and granted authorization to resume operation.

Per §19-13-B42(n) of the Regulations of Connecticut State Agencies, conditions at food establishments may require that food be embargoed or destroyed if deemed not to be “clean, wholesome, free from spoilage, free from adulteration and misbranding and safe for human consumption”. Food destruction, embargo, and embargo release forms have been provided to local health departments and certified food inspectors during training sessions, in the emergency investigation kit, were included on the 2009 resource cd, and are included below for your convenience. The FDA guidance for industry *Restaurants and Grocers Reopening After Hurricanes and Flooding* available at <http://www.fda.gov/Food/FoodDefense/Emergencies/FloodsHurricanesPowerOutages/ucm112713.htm> provides useful information for inspectors. FPP staff will be available for consultation at 860-509-7297.

### ADDITIONAL RESOURCES

U.S. Food and Drug Administration <http://www.fda.gov/Food/FoodDefense/Emergencies/default.htm>

US Department of Agriculture USDA Emergency Preparedness and Response  
[http://www.fsis.usda.gov/Fact\\_Sheets/Emergency\\_Preparedness\\_Fact\\_Sheets/index.asp](http://www.fsis.usda.gov/Fact_Sheets/Emergency_Preparedness_Fact_Sheets/index.asp)

Center for Disease Control Prevention <http://emergency.cdc.gov/disasters/>

### Consumer Questions:

Connecticut Cooperative Extension System (877) 486-6271

FDA Consumer Reference

<http://www.fda.gov/Food/FoodDefense/Emergencies/FloodsHurricanesPowerOutages/default.htm>

### Certified Food Inspector references:

Procedures to Investigate Foodborne Illness

Fifth Edition-Published by the International Association for Food Protection-reprinted 2007

A guide for Public Health Officials based on epidemiologic principles and investigative techniques that have been found effective in determining causal factors of disease incidence.

Control of Communicable Diseases Manual

The manual covers 140 diseases and groups of diseases of importance to communicable disease hunters and researchers. The text is a resource responsive to the needs of the global health community.

Disaster Field Manual for CT Environmental Health Specialists

This manual is intended to assist trained environmental health personnel to respond to a major disaster within the structure of emergency operations.

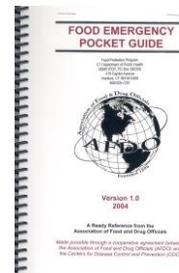
Food Emergency Pocket Guide

Version 1.0- a ready reference from the Association of Food and Drug Officials.

This pocket guide is a detailed reference” for food regulators.

FPP 2010 Food Inspector Recertification Training Resource Disc

This disc contains Food Protection Program circular letters, forms, presentations and guidance documents.



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## **Procedures for an Embargo/ Destruction of Food**

An embargo of food is a hold order that takes suspect food out of circulation before it is served or consumed until the safety, wholesomeness, and source of the food can be determined.

Destruction of food would occur if there were obvious filth, decomposition, adulteration, or physical damage, which makes the food product unsafe or unwholesome.

The food service owner/operator should be made aware of the public health concerns about the safety and wholesomeness of the food in question and must understand why embargo or food destruction is the best course of action. By identifying the public health issues and concern, the health department should attempt to persuade the food service owner/operator to voluntarily hold or not use the food pending additional information and/or testing, or to voluntarily destroy the food.

The food service owner/operator should be made aware of the potential liability if s/he attempts to serve food, which has been found to be questionable by the health authority. In most cases, the embargo or destruction of food is agreed to by the food service owner/operator and is done voluntarily under the supervision of the health authority.

The Connecticut General Statutes (CGS) and CT Public Health Code (PHC) allow a local department of health to remove food from sale is:

1. PHC Section 19-13-B42 (n) – All food and drink in food service establishments shall be from sources approved or considered satisfactory by the director of health; and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding and safe for human consumption. Any food or drink considered unsafe for human consumption shall be destroyed or disposed of in a manner satisfactory to the director of health.
2. PHC Section 19-13-B40 – All food and drink shall be clean wholesome, free from spoilage and so prepared as to be safe for human consumption.
3. PHC Section 19-13-B65. Sale of shellfish-approved areas. (A) No shellfish shall be sold in the state of Connecticut for food unless taken from areas certified by the State Department of Agriculture or, if taken from outside sources, from areas approved by the authorities having jurisdiction and secured from shellfish dealers endorsed by the United States Public Health Service for interstate shipment.
4. PHC Section 19-13-B1 of the Public Health Code states as public nuisances:  
Bakeries, restaurants and other places where food is prepared or served that are not kept in a clean and sanitary condition; or in which persons who have any communicable disease are employed; or for which suitable toilet facilities are not provided; or in which there is evidence that rats, mice or vermin are present. Spoiled or diseased meats, whether exposed and offered for sale or being transported or kept for sale.
5. PHC Section 19a-206 – Director of Health shall examine into all nuisances and sources of filth injurious to the public health...and cause removal and abatement.
6. CGS Section 21a-62 – Director of Health may cause food to be examined. When results indicate deleterious or foreign ingredient, or adulteration, information is to be published in local paper. Expenses of analysis and publishing are to be borne by the person from whom samples were obtained. If food or article is pure or free, the town/city is to pay the expense for the analysis.
7. CGS Section 53-319 – Defines spoiled meat.
8. Code of Federal Regulations Uniform Food, Drug and Cosmetic Act define adulteration, referenced in the CGS.
9. CGS Section 21a-101 – Department of Consumer Protection defines adulterated food.

### **Embargo or Holding**

1. If possible, this should be done voluntarily. If not, orders by the Director of Health will be necessary.
2. A complete inventory is made.
3. A representative sample is selected for laboratory analysis. Emergencies may warrant issuance of orders by the Director of Health if necessary.

Based on the laboratory analysis or additional information, the embargo/hold order would be eliminated and the food released or condemned.

### **Destruction**

1. A determination is made that the food is not safe for human consumption.
2. A complete inventory is made of items to be destroyed.
3. A determination is made whether the foods have any use as animal feed or in some other product (such as oils).
4. If food is to be destroyed, the following methods may be used:
5. Disposal at an approved incinerator/landfill
6. Discoloration with a dye
7. Use of ammonia, bleach, pine oil.
8. Destruction is supervised.
9. A report is filed.
10. It is best if the person, firm, etc assume the responsibility of the destruction. The health department should recommend procedures, which the individual voluntarily agrees to do. If the destruction cannot be done voluntarily, it must be ordered if necessary.

### **Disposal of Suspect Foods**

When the investigation confirms that a commercial food is confirmed positive for a hazardous or toxic substance, ensure that no further problems will be created by inadequate disposal of the contaminated food. Determine what disposal method the processor intends. Consult with appropriate personnel about the proper disposal to minimize adverse public health consequences. Determine if the disposal method may adversely impact the public health by:

1. Re-entering the human food chain
2. Re-entering the environment

Under certain circumstances, such as a suspected incident of intentional contamination, it may not be possible or feasible to confirm the presence of contamination. In these instances, the Local Health authority will use its discretion as to the safety and disposition of the food. Do not release the product retained, or on hold until an acceptable plan has been determined.

EMBARGO FORM

DATE: \_\_\_\_\_

\_\_\_\_\_  
(Firm)

\_\_\_\_\_  
(Location)

\_\_\_\_\_  
(Town)

The article(s) described below are hereby ordered detained and embargoed. Said article(s) shall not be removed or disposed of by sale or any other means unless permission for removal or disposal is given by a representative of this department or the court.

Quantity	Vol./Wgt.	Name and Description of Food Items	Reason Embargoed

This action is taken in compliance with Sections 19a-206 and 21a-62 of the Connecticut General Statutes and Sections 19-13-B1, 19-13-B2, 19-13-B40, 19-13-B42, 19-13-B48 and 19-13-B49 of the Public Health Code of the State of Connecticut.

\_\_\_\_\_  
Inspector's Signature

By: \_\_\_\_\_  
Signature of Representative Receiving Notice

Title: \_\_\_\_\_

EMBARGO RELEASE FORM

\_\_\_\_\_  
(Agency)

DATE: \_\_\_\_\_

\_\_\_\_\_  
(Location)

\_\_\_\_\_  
(Town)

I, \_\_\_\_\_, a representative of the \_\_\_\_\_  
(Health Department)

hereby release the following article(s) which were embargoed on \_\_\_\_\_.

Quantity	Vol./Wgt.	Name and Description of Food Items

Reason for release of the food items: \_\_\_\_\_

\_\_\_\_\_  
Inspector's Signature

\_\_\_\_\_  
Signature of Representative Receiving Notice

\_\_\_\_\_  
Title

FOOD DESTRUCTION FORM

DATE: \_\_\_\_\_

\_\_\_\_\_  
(Firm)

\_\_\_\_\_  
(Location)

\_\_\_\_\_  
(Town)

I have on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ voluntarily destroyed, or caused to be destroyed, the food items described below. Said food items were found to be from an unapproved source, unwholesome, adulterated or otherwise unfit for human consumption. Destruction and final disposition of said food items has been done in a manner approved by:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

I hereby release the \_\_\_\_\_, and its members, agents, and representatives from any and all liability.

Quantity	Volume /Weight	Name and Description of Food Items	Reason Destroyed

\_\_\_\_\_  
Inspector's Signature

By: \_\_\_\_\_

Title: \_\_\_\_\_