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March 9, 2016

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California Department of Public Health
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RE: AB 2593 (Brown) - Food Facilities in Private Homes: OPPOSE

Dear Dr. Smith:

The California Conference of Local Health Officers (CCLHO) voted at the CCLHO Board meeting on March 3, 2016 to take an Oppose recommendation on AB 2593 (Brown), a bill that would exempt a private home selling food under specified requirements from inclusion in the definition of a food facility. These requirements include that the private home is not open to the public and the cook directly sells the food to the consumer after fully informing the consumer on all of the cook's methods of food preparation and handling. CCLHO respectfully recommends that the California Department of Public Health (CDPH) take a position of opposition.

By exempting home kitchens from the Health and Safety Code, Sections 113728 through 113941, this bill would promote a currently growing industry whereby individuals prepare food in their homes and sell the food to customers at the home. Unlike food facilities, these home kitchens would not be regulated or subject to enforcement, nor permitted or inspected as are food facilities and the cottage food industry. In addition, unlike the cottage food industry, these homes would not be limited to preparing and selling low risk foods.

This bill encourages a business practice of preparing and selling all types of food, including food with a high risk of creating food borne illness, to the general public without registration or permitting, right of inspection, and the local enforcement necessary to protect the public. In addition, because the home operations are exempt from the California Food Code, local health departments cannot require these home kitchens to comply with current regulations and cannot shut them down. Even if the bill were amended to allow for permitting, this bill would enable too many start-ups, seasonal or temporary operations, sudden closures, and non-reporting homes to allow for a robust and up to date permitting program.

Overall, this bill and the business practice it supports represent a population-based issue affecting the health of all Californian residents and visitors.

As you are aware, CCLHO was established in statute in 1947 to advise the California Department of Health Services (now the California Department of Public Health), other departments, boards, and commissions, as well as officials of federal, state and local agencies, the Legislature and other organizations on all matters affecting health. CCLHO membership consists of all legally appointed physician health officers in California's 61 city and county jurisdictions.

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This position of oppose for exempting home kitchens from the definition of a food facility is consistent with CCLHO's strategic priority of providing scientific expertise on public health matters. It is further consistent with the strategic priority of taking a leadership role in the practice of public health and policy development, along with the legislative priority of addressing legislation that weakens the role of the local health department.

If you have any questions, please contact me at jberreman@ci.berkeley.ca.us or at 510-981-5301. Thank you.

Sincerely,

Original signed by Dr. Janet Berreman

Janet Berreman, MD, MPH
President, California Conference of Local Health Officers