



SAFELY REDUCING BARRIERS TO CHARITABLE FEEDING

Response to Resolution 20200729-087 and CIUR 2290

City of Austin Health & Human Services Committee

Teams Meeting

October 14, 2020



- Don Hastings, Assistant Director
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Austin Public Health
Environmental Health Services Division



The Resolution

20200729-087 & CIUR 2290: Charitable Feeding Organizations (CFOs)

- Develop recommendations to amend the Food Enterprise permitting process for charitable feeding organizations (CFOs), in order to reduce the barriers of providing access to healthy foods for our community's vulnerable and food insecure populations.
- Encourage the City Manager to cease enforcing structure-based requirements that do not impact life-safety and health at least until December 31, 2020, to avoid losing this valuable network of resources, especially during the upcoming demands that we will see due to COVID-19 related lay-offs.

CFO Concerns: Hurdles & Burdens

- Sharing space (e.g., a pantry in a church) complicates permitting process.
- Tenant status complicates needed facility upgrades.
- Change of use determination triggers a need for Certificate of Occupancy, which triggers the need for building plans.
- Food handler certification for volunteers can be costly & time-consuming.
- Physical requirements of Texas Food Establishment Rules & City Codes can be costly & for lower-risk food pantries might not be justified:
 - Self-closing doors; smooth ceiling tiles, 3-compartment sink separate from hand washing station separate from mop sink.
 - Kitchen vent hood.
 - Grease trap.
- City-required fees can be burdensome: APH, Austin Water, Austin Fire, DSD.

Health & Safety Considerations Prior to Action

- BENEFITS of Streamlining:

- Lower CFO operating costs will increase resources available to feeding.
- Lowered cost-of-entry may result more CFOs to serve the community.
- Registration/ permitting a higher percentage of existing CFOs will result in safer operations community-wide (an estimated 24% of CFOs are currently permitted*).

*Note: An unknown portion of unpermitted CFOs may be Cat. 1 CFOs not requiring permits

- RISKS of Streamlining:

- Food borne pathogens pose equal dangers in both commercial and non-profit food establishments.
- The Texas Food Establishment Rules (TFER) classify all food pantries/ CFOs as food establishments except pantries that only distribute shelf stable & uncut produce.
- CFOs often rely on volunteers who may lack training in food safety and hygiene.
- It is common for CFOs to transition to higher risk food offerings (cooked food, dairy, meats) over time.

Steps Taken To-Date

- Conferred with Office of Sustainability
 - Reviewed previous regulatory process mapping and stakeholder interview results.
- Conferred with Departments impacting CFOs (Water, Fire, DSD, ARR).
 - What requirements can be safely reduced to assist CFOs.
- Held two discussions with Food Policy Board reps to learn “pain points.”
- Identified requirements that can be safely waived/ reduced to assist CFOs:
 - Amendments to food permitting process (Ch. 10-3) to differentiate the different categories of CFOs based on food safety risk levels.
 - Amendments to building-related codes and City ordinances related to Austin Water, Fire DSD and ARR programs.
 - Importance of not unduly compromising public health/ safety.
 - Potential for food borne illness outbreaks, structure fires, sewage backups.

Current Departmental Processes Affecting CFOs

Examples of Primary Impacts

- APH: Compliance with Texas Food Establishment Rules: requirements for kitchen and sanitation facilities; food manager and food handler certification; fees (\$359 to \$896 per year depending on size & risk level).
- Austin Water: Grease traps; wastewater discharge permits; maintenance of grease traps; wastewater surcharge fees; water and wastewater fees.
- Austin Fire: Fire alarms; fire sprinklers; kitchen vent hoods.
- ARR: Universal Recycling Ordinance/ organics diversion program.
- DSD: Hosts the permitting process in which above departmental requirements are invoked when CFO requires a food establishment permit; Building Dept. maintains building-related Codes that impact CFOs: Fire Code, Mechanical Code, Plumbing Code, etc.

Proposed Actions by CFO Category

- Limited Service CFO Category 1: Distributes only shelf stable & uncut produce.
 - Currently: Not Regulated/ Permits Not Required.
 - Proposed: In the absence of permitting, register Category 1 CFOs and apply best management practices. Routine inspections would not be conducted.
- Limited Service CFO Category 2: Distributes and may portion commercially prepared & packaged Time-Temperature Controlled for Safety (TCS) foods.
 - Currently: Food establishment permit required because these are defined by the State of Texas as a food establishment subject to regulation.
 - Proposed: Amend Ch. 10-3 to define this type of CFO and exempt it from permitting requirements. In lieu of permitting, register Category 2 CFOs and apply best management practices; conduct annual inspections; provide fee waiver; provide technical resources.

Note: CFO category scheme is evolving

Proposed Actions by CFO Category

- Limited Service CFO Category 3: Heats/ Cools/ Portions Commercially Prepared Foods that are Time-Temp. Controlled for Safety for Same Day Service
 - Currently: Food establishment permit required because these are defined by the State of Texas as food establishments subject to regulation.
 - Proposed:
 - APH: Due to pathogen risk, continue requiring food establishment permit. To ease permitting process, amend Ch. 10-3 to define CFO Category 3 and reduce certain permitting requirements (e.g., multiple sinks, self-closing doors, smooth ceiling tile surfaces, etc.).
 - APH: Potential fee waivers; designation of CFO ombudsman/ liaison; establishment of a CFO webpage; consideration of site-specific variances.
 - Austin Water: may limit the requirement for grease traps where vent hoods are not required and limited amounts of grease/ solids are expected.
 - Austin Water: may waive requirement for a wastewater discharge permit.

Proposed Actions by CFO Category

- Full Service CFO Category 4: Community Kitchens/ Soup Kitchens
 - Currently: Food establishment permit required because these are defined by the State of Texas as food establishments subject to regulation.
 - Proposed:
 - APH: Due to significant pathogen risk, continue requiring food establishment permit and compliance with Texas Food Establishment Rules.
 - APH: potential fee waivers; designation of CFO ombudsman/ liaison; establishment of a CFO webpage; consideration of site-specific variances.
 - Austin Water: Consider lowering/ waiving wastewater permit and surcharge fees.

Next Steps

- Council Work Session - October 27, 2020
- Council Regular Session - November 12 (pending request to reschedule)
- Designate CFO Ombudsman/ Liaison in APH
- Develop CFO Webpage on APH/ EHSD Website
- Finalize CFO Categorization Scheme
- Devise Category 1 & 2 Registration Process and BMPs
- Amend Ch. 10-3 (Food & Food Handlers)
- Amend Related Building Codes/ Ordinances as needed
- Amend Fee Schedule, if directed
- Ongoing implementation



Thank You

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