

Imminent Health Hazard Emergency Response Reference For Regulators

Purpose

This guide has been developed to assist food regulatory agencies in the coordination of emergency management efforts to better protect public health and to minimize the economic impact of widespread emergency events. Specific objectives include:

1. Identify the procedures that should be followed in the event of an emergency that poses an imminent health hazard, and
2. Clarify the roles and responsibilities of both the public and private sectors (food regulatory agencies and food establishment operators).

Authorities

The 1999 Food Code and the Michigan Food Law of 2000 identify legal requirements for routine and emergency food operations of retail food establishments. Key requirements include:

1. Control actions taken by a knowledgeable food establishment operator, and
2. Verification by the regulator that proper actions are taking place.

Pre-Emergency Planning

Industry

Food establishment operators are legally responsible for meeting Food Code and Food Law requirements during all times of operation. If they are not able to control conditions to meet these standards the establishment must discontinue operating. Food establishments are strongly encouraged to anticipate emergencies by developing and regularly reviewing crisis management and emergency response plans. These plans typically:

1. Are consistent with the complexity and scope of food operations,
2. Are flexible enough to address the wide variety of emergencies that can affect food establishments ("all hazards planning"), and
3. Contain specific procedures for the more commonly occurring emergency events.

Government

- Maintain an Emergency Management Contact Book.
- Develop a rapid communication system for getting information directly into the industry's hands.
- Develop working relationships with the industry and other regulatory agencies that may be involved in emergency responses.
- Maintain a food/environmental health participation and presence at the Local Emergency Operations Center (EOC).
- Become familiar with existing communication systems such as HAN and those systems that may be in use at the EOC.
- Participate in emergency management exercises.

- Perform vulnerability and threat assessments of food establishments within your jurisdiction.
- Review and update Mutual Aid Agreements with neighboring jurisdictions.

Emergency Response

Primary Responsibilities of the Regulatory Authority

There are a number of key actions that regulators should consider in the event of a localized or widespread imminent health hazard:

1. Determine if an imminent health hazard exists and the extent of the problem.
2. Communicate public health information to the industry and the public.
3. Coordinate efforts with other local and state agencies.
4. Provide guidance to the industry in order to contain or isolate the imminent health hazard so as to prevent access or exposure to the public.
5. Conduct surveillance to assess compliance.
6. Respond to consumer and industry questions and complaints.
7. Conduct enforcement action that may include summary license suspension (MFL 4125) and/or destruction of adulterated food (MFL 2107) whenever surveillance determines the imminent health hazard has not been contained.
8. Provide recovery guidance to the industry.
9. Prepare an incident report upon the conclusion of the imminent health hazard emergency.

I. Determine if an imminent health hazard exists

A. Definition

Imminent health hazards are conditions at a food establishment requiring immediate action to prevent endangering the health of people (MFL 1109 (a)). Imminent health hazards can result from both isolated events affecting single food establishments and widespread disasters impacting multiple establishments. The Food Code identifies specific examples of imminent health hazards including:

- Fire
- Flood
- Extended interruption of electrical service
- Extended interruption of water service
- Sewage backup
- Contaminated water supply
- Misuse of poisonous or toxic materials
- Onset of foodborne illness outbreak
- Gross insanitary conditions
- Other circumstances

B. Detection

1. Individual or small localized event

In the event of an imminent health hazard, the Food Code requires food establishment operators to discontinue operating and notify the regulatory authority that an imminent health hazard has occurred.

2. Widespread events

In the case of widespread events, the regulatory authority will most likely detect imminent health hazards from sources such as the media, the local emergency management system, the water authority, personal observation, and sporadic notices from the industry.

C. Analyze the Situation, Choose the Appropriate Response:

1. An Imminent Health Hazard Does Not Exist.

Action: Follow enforcement policy for obtaining the correction of critical and non-critical violations.

2. An Imminent Health Hazard Exists Involving a Single Food Establishment.

Action: Operator must immediately discontinue operation and notify the regulatory authority. Regulatory authority shall immediately assess the hazard and may allow operations to continue in areas of the establishment not affected by the imminent health hazard. The operator may be directed to follow an Emergency Action Plan to allow certain operations. Ability to follow the Emergency Action Plan will determine if the operation may continue.

3. An Imminent Health Hazard Exists Involving Either Multiple Food Establishments within the Jurisdiction or within Multiple Jurisdictions.

Action: The industry follows the “Emergency Action Plans for Retail Food Establishments” guide, or equivalent procedures, and regulators follow “Imminent Health Hazard, Emergency Response Reference For Regulators”

II. Organize

An Incident Command System-like structure may be necessary for dealing with widespread imminent health hazard emergencies. The following duties will need to be addressed in proportion to the scale of the emergency.

Team Leader: Assign someone to be responsible for the management of all related emergency response functions. Depending upon the scope of the emergency, the leader may personally conduct all of the following functions or assign staff to assist:

- A. Information: Someone needs to be the central point for dissemination of information to the news media and other agencies and organizations.
- B. Safety: Someone needs to be responsible for assessing hazardous and unsafe situations and develop measures for assuring personal safety for the emergency responders.

- C. Agency Liaison: Someone needs to be the point of contact at the incident for personnel from other assisting or cooperating agencies.
- D. Planning: Someone needs to be responsible for collecting, evaluating, and displaying information about the emergency. This person develops daily action plans for dealing with the emergency. He/she keeps resource status information on all equipment and personnel assigned to the emergency.
- E. Logistics: Someone needs to be responsible for all of the services and support needs of an emergency including obtaining and maintaining essential personnel, facilities, equipment, and supplies.
- F. Operations: Someone needs to be responsible for implementing the daily action plans and direct and coordinate all tactical operations. This person manages personnel, equipment and other resources that are dedicated for responding to the emergency.
- G. Finance/Administration: Someone needs to be responsible for payroll, procuring special equipment, contracting with a vendor, making cost estimates, tracking the cost of responding to the emergency, and handling claims.

III. Communicate/Coordinate

- A. With the Industry and the Public
 - Activate Emergency Action Plans.
 - Issue press release(s) providing instructions for protecting public health.
 - Maintain a hotline for industry or citizens to call for advice and information.
 - Provide up-to-date information on your website.
- B. With Other State and Local Agencies
 - Coordinate activities through the Emergency Operations Center (if activated).
 - Contact other affected agencies responsible for food safety to coordinate a unified approach.
 - Use the Health Alert Network.
 - Listserves (MALPH, MiFood)

IV. Conduct Surveillance

As resources permit, every effort should be made to:

- Determine if Emergency Action Plans or equivalent procedures are being followed and imminent health hazards are being contained. More complex operations, those with a poor history of compliance, and those that serve highly susceptible populations should be given first priority.
- Summarily suspend the license of those permit holders who are not following the Emergency Action Plan until conditions are abated.
- Initiate other enforcement actions as a result of surveillance such as civil or criminal fines.
- Declare any adulterated food (food that does not comply with the Food Law/ Food Code) to be a nuisance and immediately condemn, destroy, or render the food un-saleable as human food.
- Document and seek voluntary destruction of food that is adulterated.
- After the emergency, conduct surveillance to determine if establishments are using proper recovery techniques before resuming normal operations.

- Accept and investigate emergency-related complaints.

V. Maintain Records

- Document the nature of the emergency describing the type of emergency, number of food establishments involved, a timeline of the events as they occurred, any adverse public health impacts (number ill, injured, hospitalized, deaths), etc.
- Document the number of establishments surveyed along with the number of summary license suspensions issued, the types of violations noted, and the occurrence of each violation.
- Document damage assessment figures including an estimate of the total pounds of food lost by industry and/or the dollar value loss of business.
- Document the number and types of consumer complaints related to the emergency.
- Document the number of establishments that were not practicing proper recovery techniques along with the types of problems observed.
- Document the type and cost of departmental resources dedicated for dealing with the emergency including staff time, overtime, equipment cost, travel/lodging, materials, laboratory fees, contractor fees, legal fees, communication costs, etc.
- Provide records on at least a daily basis to the Planning Chief.

VI. Prepare a Final Report

Suggested Format and Content

Cover Page

- Name of Emergency
- Investigating agency
- Date(s) of the Emergency
- Investigators' names & titles
- Report prepared by

Summary

- Starting date and time of the emergency
- Duration of the emergency
- Emergency was first reported by:
- Type of imminent health hazard
- Number of food establishments in the affected area
- Description of the affected geographical area
- Number of people ill, injuries, hospitalizations, deaths, etc
- Number establishments surveyed
- Number of summary license suspensions
- Quantity in pounds and dollar value of food destroyed
- Listing of each type of violation (i.e. improper food holding temperature) and the percent occurrence of each violation throughout all establishments surveyed.

- The percent of surveyed establishments successfully following the Emergency Action Plan
- Actions taken to prevent re-occurrence
- Cost of the emergency to the industry, consumers, the department,

Conclusions, Discussions

- What went right/ wrong
- Recommendations for improvement

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