

Duff on Hospitality Law

HANDS OFF! Debate Over “No Bare Hands” Rule Pushes Adoption of Oregon’s New Food Code Back to September 2012

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Back in [February](#), we gave you the heads up that Oregon was in the process of adopting the 2009 FDA Food Code. Bar and food cart owners, restaurateurs, and folks employed in the food industry were urged to prepare for new changes in labeling laws and implement best practices to protect themselves from liability once the new rules were announced.

We’d hoped to update you on the Code on July 1, 2012 when the new rules were to go into effect. The only problem? A bitter public debate around another rule — the proposed “no-bare-hands rule” – brought implementation to a screeching halt. The “[no bare-hands](#)” rule forbade food handlers from contacting “exposed, ready-to-eat food” with their bare hands; “suitable” utensils, such as spatulas, tongs and single-use gloves had to be used instead. In addition to the environmental, financial, and efficiency issues raised in opposition to the rule, restaurateurs voiced concerns as to whether the rule would actually increase food safety.

The power of public opinion won out. Nearly two weeks after the July 1 deadline had passed, Oregon's Public Health Division Foodborne Illness Prevention Program announced that “At this time, the ‘No Bare Hand Contact’ section of new food safety rules will not be adopted” and that adoption of the Food Code would be moved to September 4, 2012. The Public Health Division also explained that in the wake of the contentious debate, they would convene workgroups in the next few months to “allow restaurateurs, chefs, government inspectors and interested consumers . . . to have a hand in future food safety decisions.”

Until the final rules come out in September, check out the Fact Sheets provided by Oregon Public Health to see what other changes may affect your business and check back here to see what new legal issues you may face come September 4.

Tags: 2009 FDA Food Code, bare-hands rule, Oregon Public Health