



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

TESTIMONY PRESENTED BEFORE THE PUBLIC HEALTH COMMITTEE

March 6, 2009

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Senate Bill 1080 - An Act Concerning Access to Health and Nutritional Information in Restaurants

The Department of Public Health **opposes** Senate Bill 1080.

The proposed bill would require the Commissioner of the Department of Public Health to adopt regulations incorporating inspection and enforcement procedures for regulating the public disclosure of caloric content of standard menu items and identification of major food allergens used in the preparation of such menu items served at chain restaurants.

Concerns with SB 1080

- **Inappropriately places enforcement of provisions under DPH**
The Department of Consumer Protection, not DPH, has the statutory and regulatory authority to regulate food labeling laws and truth in menu requirements.
- **Incorporates vague enforcement criteria and permissive language that will result in inconsistent enforcement**
The described "enforcement" responsibility of the local health authority requires an "evaluation" of compliance with the proposed statutory requirements for posting caloric content and identification of the major food allergens used in the preparation for each "standard" menu item. The term "evaluation" is not defined and includes a reference to the local health jurisdiction's permissive authority to "request," documentation of the accuracy of the above required information. The proposed "enforcement" provisions specify that the authorized agent shall not be responsible for verifying the accuracy of the above required information. The proposed statute's lack of clear enforcement criteria and permissive language regarding the provision of "requested" documentation by the restaurant, and the lack of a required verification of the accuracy of the documentation will likely result in inconsistent and non-standardized enforcement across the state.
- **Technical requirements mandate posting of information unlikely to be available to food service establishments**
The bill contains confusing technical requirements for determining the posting of "median" caloric content of specific foods and beverages as well as exceptions for daily specials and for food or beverages offered for thirty days or less, and exceptions for allergen posting involving "highly refined" oils derived from foods containing allergens and from any ingredient derived from such oil. The allergen posting includes food ingredients that contain proteins derived from any of the described major food allergens. While this type of technical information may be available in a commercial food processing plant with a limited, controlled standardized list of food ingredients such is not the case in a food service establishment.

As written, the proposed statute would require a major change in the regulations, inspection form, and require training for state and local inspectors. It would detract from focusing on the nationally recognized food-borne illness related inspection form risk factors and would not be enforceable in a consistent and standardized way. Also, this bill would have a **significant fiscal impact on both the department and local health agencies.**

Thank you for your consideration of the Department's views on this bill.

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