

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has reviewed “A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 541 concerning Food Allergy Restaurant Safety.”

Your Committee is informed that the Food Allergy Research and Education organization (“FARE”), the world’s leading food allergy advocacy organization and the largest private funder of food allergy research, estimates that 32 million Americans have food allergies, including 5.6 million children under the age of eighteen. About 40 percent of children with food allergies are allergic to more than one food. Every three minutes, a food allergy reaction sends someone to the emergency room. Each year in the U.S., 200,000 people require emergency medical care for allergic reactions to food.

Your Committee is further informed that according to the Mayo Clinic, a food allergy is an immune system reaction that occurs soon after eating a certain food. Even a tiny amount of the allergy-causing food can trigger signs and symptoms such as digestive problems, hives or swollen airways. In some people, a food allergy can cause severe symptoms or even a life-threatening reaction known as anaphylaxis. FARE reports that medical procedures to treat anaphylaxis resulting from food allergy increased by 380 percent between 2007 and 2016. Most fatal food allergy reactions are triggered by food consumed outside the home.

Your Committee notes that there is no cure for a food allergy. Food allergies are managed by avoiding the problem food(s) and learning to recognize and treat reaction symptoms. Food allergies in the United States are clearly a public health crisis.

Your Committee is aware that there are many restaurants in Westchester County and recognizes that food allergies can be a significant barrier to both safety and quality of life. Your Committee believes that food allergen awareness should be enhanced in food service establishments throughout the County. Preventative training is necessary to ensure that appropriate safety measures are utilized in food preparation and service. This proposed Local Law would require every food service establishment in the County to post at least 2 signs produced by the County Department of Health to be visible to both employees and customers to include the following information: that at least one(1) employee has completed a food allergen training program, a list of the major food allergens, a list of symptoms of allergic reactions, advising customers to inform a staff member if they have a food allergy, actions to take if a customer has a food allergy and actions to take when informed by a customer that they have a food allergy. The Law also provides that the Commissioner of Health shall establish one or more online food allergen training programs for food service establishment employees which shall be taken by no fewer than two (2) employees of a food service establishment that offers seating for on premises food consumption and by one (1) employee of a food service establishment that does not offer seating for on premises food consumption. Such trained food service workers shall be designated as food safety officers of the food service establishment during hours of operation. The proposed Local Law would be enforced by the Department of Health.

Your Committee is further informed that the proposed Local Law does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

Your Committee, after careful consideration, recommends the adoption of this Local Law.

Dated: _____, 2022
White Plains, New York

COMMITTEE ON

Sdk-5/4/22

RESOLUTION NO. ____ – 2022

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. _____ - 2022, entitled “A LOCAL LAW amending the Laws of Westchester County by the addition of a new Chapter 541 concerning Food Allergy Restaurant Safety.” The public hearing will be held at _____ .m. on the _____ day of _____, 2022 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.