

2f¹ ORDINANCE No. 112559

Law Department

2f¹ COUNCIL BILL No. 105108

AN ORDINANCE relating to frozen dairy food products; amending Seattle Municipal Code 10.18.110, to revise minimum sampling frequency requirements.

REC'D CIVIC NOV 26 1985

MP

Hold Budget 11/4/85

COMPTROLLER FILE No. _____

pass Budget 11/3/85

Introduced: SEP 23 1985	By: EXECUTIVE REQUEST
Referred: SEP 23 1985	To: <i>BUDGET</i>
Referred:	To:
Referred:	To:
Reported: NOV 25 1985	Second Reading: NOV 25 1985
Third Reading: NOV 25 1985	Signed: NOV 25 1985
Presented to Mayor: NOV 26 1985	Approved: DEC 5 1985
Returned to City Clerk: DEC 5 1985	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Vote 8

OK

Department

Budget 11/3/85

Vote 8-0

ORDINANCE NO. 112559

1 AN ORDINANCE relating to frozen dairy food products; amending Seattle Municipal
2 Code 10.18.110, to revise minimum sampling frequency requirements.

3 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

4 Section 1. Seattle Municipal Code Section 10.18.110 (Section 4 of
5 Ordinance 94524) is amended as follows:

6 10.18.110. Examination of frozen dairy foods.

7 A. ~~((At-least-one-sample))~~ Samples of frozen dairy foods ~~((shall))~~ may
8 be taken by the Health Officer from ~~((each))~~ any retail frozen dairy foods
9 processor, frozen dairy foods processor, frozen dairy foods manufacturer, and
10 frozen dairy foods distributor as often as the Health Officer deems necessary.
11 Such samples may be taken from freezers, from other processing equipment, from
12 any receptacle containing mix or other dairy foods, and packaged frozen dairy
13 foods and such samples shall be taken as near to the end product served to the
14 public as possible. The Health Officer shall take samples as often as he deems
15 necessary for bacterial and coliform analysis or phosphatase tests in an
16 official laboratory. Examinations may include such other bacteriological,
17 chemical, and physical determinations as the Health Officer may deem necessary.
18 Samples may be submitted by the Health Officer to an officially designated
19 laboratory for analysis. All sample results from both official and officially
20 designated laboratories shall be used to determine the compliance record of
21 frozen dairy foods plants or establishments. After pasteurization, the
22 bacterial plate count of the mix at the place of manufacture shall not exceed
23 25,000 per gram nor shall the coliform count exceed 5 per gram. Before
24 delivery to the consumer, no frozen dairy food shall have a bacterial plate
25 count exceeding 50,000 per gram nor a coliform count exceeding 10 per gram.
26 The bacterial plate count of water in dipper wells shall not exceed 50,000 per
27 milliliter nor shall the coliform count exceed 10 per milliliter. During
28 delivery and storage, the temperature of mix and frozen dairy foods shall not
29 exceed 40 degrees Fahrenheit: Provided, that soft-serve mix held in the
30 reservoirs of soft-serve dispensing equipment prior to use shall not exceed 45
31 degrees Fahrenheit. In the case of a positive phosphatase test on mix or
32 frozen dairy food, the probable cause shall be determined and corrected to the
33 satisfaction of the Health Officer before the mix is frozen or the frozen dairy

1 food is sold. Bacterial counts, coliform determinations, phosphatase tests,
2 and other laboratory or screening tests shall conform to the procedures in the
3 latest edition of "Standard Methods for Examination of Dairy Products" of the
4 American Public Health Association, a copy of which is filed with the City
5 Comptroller under File No. 254784.

6 B. If any result of test made by the Health Officer is beyond the limits
7 specified he shall notify the person concerned. He shall then take an
8 additional sample, within a reasonable period of time, but not before a lapse
9 of 3 days. Should this sample also be beyond the limits specified in this
10 section the Health Officer shall send a written notice thereof to the person
11 concerned. The operator shall then be required to furnish, and have analyzed
12 at his own expense, additional samples of frozen dairy foods, or mix, not to
13 exceed 2 per week, in accordance with instructions of the Health Officer. The
14 cost of this analysis shall be paid for by the operator of the establishment.

15 C. Such samples shall be furnished until 3 out of 4 consecutive bacterial
16 counts, coliform counts, or cooling temperatures of mix or frozen dairy foods
17 taken on separate days are within the limits specified in this section.
18 Failure to provide such samples and to provide for submission of the results of
19 the laboratory examinations to the Health Officer shall constitute a violation
20 of this chapter. Failure to furnish samples as required in this section shall
21 not be a violation of this chapter if frozen dairy foods, or mix, are no longer
22 sold or offered for sale. Failure to meet the required standards in 3 out of 4
23 of the additional samples taken shall call for a suspension warning to the
24 person concerned, followed by additional samples as provided in this section.
25 Three such suspension warnings to one person within any 12 month period shall
26 be cause for suspension by the Health Officer of the establishment permit,
27 until evidence is submitted that the establishment can comply with the minimum
28 requirements of the chapter.

29 D. The Health Officer, at his discretion, may require the manager,
30 operator, or any employees of a frozen dairy foods establishment to attend a
31 training course in frozen dairy food sanitation and machine operation, in the
32 event the manager, operator, or any employee of a frozen dairy foods
33 establishment is determined by the Health Officer to be the cause for a failure

(to be used for all Ordinances except Emergency.)

to meet the required standards in 3 out of 4 of the additional samples taken, as described in this section. The class schedule shall not exceed 15 hours in length, nor shall attendance be required if the person or persons involved have attended such a class within 12 months.

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 25th day of November, 1935, and signed by me in open session in authentication of its passage this 25th day of November, 1935.

Howard B. Rice
President of the City Council.

Approved by me this 5th day of December, 1935.

Charles Royce
Mayor.

Filed by me this 5th day of December, 1935.

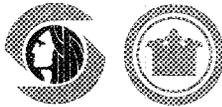
Jim Hill

Attest: City Comptroller and City Clerk.

(SEAL)

Published

By *Thomas Dunbar*
Deputy Clerk.



City of Seattle
Charles Royer, Mayor

King County
Randy Revelle, Executive

REC'D OMB SEP 09 1985

Seattle-King County Department of Public Health

R.M. Nicola, M.D., M.H.S.A., Director

830035

August 23, 1985

The Honorable Norm Rice, President
Seattle City Council
Eleventh Floor, Municipal Building

Dear Mr. Rice:

RE: AN ORDINANCE relating to frozen dairy food products; amending Seattle Municipal Code 10.18.110, to revise minimum sampling frequency requirements.

The enclosed proposed legislation and accompanying SOP 100-014 (Request for Legislative Action) are part of and consistent with the 1986 Health Department budget request.

The legislation, if adopted, would in effect rescind the Health Department's legal obligation of collecting frozen dairy product samples on an annual basis at a cost saving to the Department of approximately \$37,000. It is not expected that the general public would be subjected to undue health risks as a consequence.

A comparable legislative request is being submitted to the King County Council in order to achieve uniformity between Seattle and unincorporated King County.

Sincerely,

Bud Nicola, M.D.
Director of Public Health

BN:phb
Attachments

SOP 100-014

REQUEST FOR LEGISLATIVE ACTION

1. AN ORDINANCE relating to frozen dairy food products; amending Seattle Municipal Code 10.18.110, to revise minimum sampling frequency requirements.
2. The objective of this proposal is to rescind the legal mandate obligating the Health Department to collect and analyze a frozen dairy product from each source on an annual basis. We believe this sampling rate of nearly 3,000 specimens per year greatly exceeds the efforts necessary to protect the public from the risks of contamination from this food source. Indeed, the 1986 budget proposal to eliminate any sampling is not expected to subject the public to undue risks.
3. None. This proposal reduces program costs by approximately \$37,000 - \$20,000 in the Environmental Health Division for sample collection and code enforcement and \$17,000 in the Regional Division for Laboratory analyses.
4. None. This proposal reduces part of an Environmental Health Inspector position and part of Microbiologist position.
5. N.A.
6. The impact of reducing sampling frequency will be monitored continuously by the Environmental Health Division during routine food establishment inspections and by the Epidemiology Section in association with food-borne illness outbreaks. Adverse findings will result in a mid-year emergency, supplemental budget request during 1986.

C-872-X

Affidavit of Publication

STATE OF WASHINGTON
Notary Public
COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 112559

was published on December 9, 1985

B. Blair
Subscribed and sworn to before me on
December 9, 1985

Richard A. Jones
Notary Public for the State of Washington,
residing in Seattle.

City of Seattle

ORDINANCE 112309

AN ORDINANCE relating to frozen dairy food products; amending Seattle Code 10.18.110, to revise minimum sampling frequency requirements.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Section 10.18.110 (Section 4 of Ordinance 94524) is amended as follows:

10.18.110. Examination of frozen dairy foods.

A. ~~At least one sample~~ Samples of frozen dairy foods ~~shall~~ may be taken by the Health Officer from ~~each~~ any retail frozen dairy foods processor, frozen dairy foods processor, frozen dairy foods manufacturer, and frozen dairy foods distributor as often as the Health Officer deems necessary. Such samples may be taken from freezers, from other processing equipment, from any receptacle containing mix or other dairy foods, and packaged frozen dairy foods and such samples shall be taken as near to the end product served to the public as possible. The Health Officer shall take samples as often as he deems necessary for bacterial and coliform analysis or phosphatase tests in an official laboratory. Examinations may include such other bacteriological, chemical, and physical determinations as the Health Officer may deem necessary. Samples may be submitted by the Health Officer to an officially designated laboratory for analysis. All sample results from both official and officially designated laboratories shall be used to determine the compliance record of frozen dairy foods plants or establishments. After pasteurization, the bacterial plate count of the mix at the place of manufacture shall not exceed 25,000 per gram nor shall the coliform count exceed 5 per gram. Before delivery to the consumer, no frozen dairy food shall have a bacterial plate count exceeding 50,000 per gram nor a coliform count exceeding 10 per gram. The bacterial plate count of water in dipper wells shall not exceed 50,000 per milliliter nor shall the coliform count exceed 10 per milliliter. During delivery and storage, the temperature of mix and frozen dairy foods shall not exceed 40 degrees Fahrenheit: Provided, that soft-serve mix held in the reservoirs of soft-serve dispensing equipment prior to use shall not exceed 45 degrees Fahrenheit. In the case of a positive phosphatase test on mix or frozen dairy food, the probable cause shall be determined and corrected to the satisfaction of the Health Officer before the mix is frozen or the frozen dairy food is sold. Bacterial counts, coliform determinations, phosphatase tests, and other laboratory or screening tests shall conform to the procedures in the latest edition of "Standard Methods for Examination of Dairy Products" of the American Public Health Association, a copy of which is filed with the City Comptroller under File No. 254784.

B. If any result of test made by the Health Officer is beyond the limits specified he shall notify the person concerned. He shall then take an additional sample, within a reasonable period of time, but not before a lapse of 3 days. Should this sample also be beyond the limits specified in this section the Health Officer shall send a written notice thereof to the person

concerned. The operator shall then be required to furnish, and have analyzed at his own expense, additional samples of frozen dairy foods, or mix, not to exceed 2 per week, in accordance with instructions of the Health Officer. The cost of this analysis shall be paid for by the operator of the establishment.

C. Such samples shall be furnished until 3 out of 4 consecutive bacterial counts, coliform counts, or cooling temperatures of mix or frozen dairy foods taken on separate days are within the limits specified in this section. Failure to provide such samples and to provide for submission of the results of the laboratory examinations to the Health Officer shall constitute a violation of this chapter. Failure to furnish samples as required in this section shall not be a violation of this chapter if frozen dairy foods, or mix, are no longer sold or offered for sale. Failure to meet the required standards in 3 out of 4 of the additional samples taken shall call for a suspension warning to the person concerned, followed by additional samples as provided in this section. Three such suspension warnings to one person within any 12 month period shall be cause for suspension by the Health Officer of the establishment permit, until evidence is submitted that the establishment can comply with the minimum requirements of the chapter.

D. The Health Officer, at his discretion, may require the manager, operator, or any employees of a frozen dairy foods establishment to attend a training course in frozen dairy food sanitation and machine operation. In the event the manager, operator, or any employee of a frozen dairy foods establishment is determined by the Health Officer to be the cause for a failure to meet the required standards in 3 out of 4 of the additional samples taken, as described in this section. The class schedule shall not exceed 15 hours in length, nor shall attendance be required if the person or persons involved have attended such a class within 12 months.

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 25th day of November, 1965,
and signed by me in open session in authentication of its passage this 25th day of November, 1965.

Approved by me this 5th day of December, 1965.

Filed by me this 5th day of December, 1965.

Attest:
City Comptroller and City Clerk.

(SEAL)

By: *Tim Hill*
Deputy Clerk.

Publication ordered by TIM HILL, Comptroller and City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, December 9, 1965.

(C-872-X)