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MEMORANDUM

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Date: April 9, 2020

Re: COVID-19 Update: WHO and FAO Release Guidance on Food Safety for Food Businesses

On April 7, the World Health Organization (WHO) and Food and Agriculture Organization of the United Nations (FAO) released interim guidance regarding food safety for food businesses in response to the COVID-19 pandemic. ^{1/} The guidance provides recommended steps for protecting the health and safety of workers while maintaining the safety and availability of food, which are summarized in this memorandum. The WHO/FAO recommendations are largely consistent with those of the U.S. Food and Drug Administration (FDA) and U.S. Department of Agriculture (USDA), though there are a few notable differences and issues on which the WHO/FAO provide more details than FDA and USDA, as well as areas where the WHO/FAO and the U.S. Centers for Disease Control and Prevention (CDC) differ in their recommendations. ^{2/} Nonetheless, the WHO/FAO guidance may be of interest to the food industry, particularly those with operations outside the United States. Key topics from the guidance are highlighted below.

Potential Transmission of COVID-19 via Food

Like FDA and USDA, the WHO/FAO report reinforces that food is not a transmission source for COVID-19. The guidance states: "It is highly unlikely that people can contract COVID-19 from food or food packaging. COVID-19 is a respiratory illness and the primary transmission route is through person-to-person contact and through direct contact with respiratory droplets generated when an infected person coughs or sneezes. There is no evidence to date of viruses that cause respiratory illnesses being transmitted via food or food packaging."

Emphasis on Preventive Programs

As a foundation for addressing risks from COVID-19, the guidance emphasizes the need for prerequisite programs including good hygiene practices, cleaning and sanitation, zoning of processing areas, supplier control, storage, distribution and transport, personnel hygiene and fitness

^{1/} COVID-19 and food safety: guidance for food businesses (Apr. 7, 2020), available at <https://www.who.int/publications-detail/covid-19-and-food-safety-guidance-for-food-businesses>.

^{2/} We previously have summarized guidance from FDA and USDA for maintaining food safety in response to COVID-19. We also have summarized CDC guidance for critical infrastructure workers. Our memoranda are available on our blog at <https://www.hfloodlaw.com/>.

to work. Thus, all of the basic conditions and activities necessary to maintain a hygienic food processing environment are foundational to addressing COVID-19. The guidance recommends providing refresher training on food hygiene principles to eliminate or reduce the risk of food surfaces and food packaging materials becoming contaminated with the virus from food workers.

Awareness of COVID-19 Symptoms by Food Workers

The guidance recommends producing written guidance for staff on reporting COVID-19 symptoms and on exclusion from work policies. It states that staff need to be aware of the symptoms so that they can recognize them early and seek appropriate medical care and testing, and minimize the risk of infecting fellow workers.

Preventing the Spread of COVID-19 in the Work Environment

The guidance recommends providing staff at food facilities with written instructions and training on how to prevent the spread of COVID-19. Companies should ensure that infected workers are excluded from food premises and staff who are unwell and have any symptoms of COVID-19 should not work. The guidance states that good staff hygienic practices include:

- Proper hand hygiene – washing with soap and water for at least 20 seconds (follow WHO advice);
- Frequent use of alcohol-based hand sanitizers;
- Good respiratory hygiene (cover mouth and nose when coughing or sneezing; dispose of tissues and wash hands);
- Frequent cleaning/disinfection of work surfaces and touch points such as door handles; and
- Avoiding close contact with anyone showing symptoms of respiratory illness such as coughing and sneezing.

Use of Disposable Gloves

The guidance states that gloves may be used by food workers, but must be changed frequently and hands must be washed between glove changes and when gloves are removed. The guidance emphasizes that gloves should not be used as a substitute for handwashing, and it highlights the risks of getting a false sense of security from the use of gloves. This is generally consistent with FDA's guidance on the same issue. ^{3/}

Physical Distancing

The guidance advises that all food businesses should follow physical distancing guidance as far as reasonably possible. It references the WHO guidelines to maintain at least 3 feet between fellow workers. ^{4/} Notably, this is half of the distance recommended by the CDC and cited in FDA's food safety guidance for COVID-19. ^{5/} Additional recommended practical measures to adhere to physical distancing guidance are to:

^{3/} See "How and when should workers in food retail and processing wear gloves during a pandemic?" Food Safety and the Coronavirus Disease 2019 (COVID-19) (Apr. 1, 2020), available at <https://www.fda.gov/food/food-safety-during-emergencies/food-safety-and-coronavirus-disease-2019-covid-19>.

^{4/} See "How does COVID-19 spread?" Q&A on coronaviruses (COVID-19) (Mar. 9, 2020), available at <https://www.who.int/news-room/q-a-detail/q-a-coronaviruses>.

^{5/} See "How do I maintain social distancing in my food production/processing facility and food retail establishment where employees typically work within close distances?" Food Safety and the

- Stagger workstations on either side of processing lines so that food workers are not facing one another;
- Provide personal protective equipment (PPE) such as face masks, hair nets, disposable gloves, clean overalls, and slip reduction work shoes for staff. The guidance notes that when staff are dressed in PPE it is possible to reduce distance between workers;
- Space out workstations, which may require reduction in the speed of production lines;
- Limit the number of staff in a food preparation area at any one time; and
- Organize staff into working groups or teams to facilitate reduced interaction between groups.

FDA and USDA have not provided this level of detail in their recommendations.

Addressing Workers Who Are Ill from COVID-19 in the Workplace

The guidance advises informing staff that they should not report to work with symptoms of COVID-19, but instead should notify the employer of such illness by phone. Recommendations also are provided for how to address a food worker who becomes unwell in the workplace with typical symptoms of COVID-19. The guidance issued by FDA and USDA to date do not address this issue in the same level of detail.

Another issue addressed is quarantining workers who may have been exposed to COVID-19. The WHO/FAO guidance says that if an employee is confirmed to have COVID-19 “it will be necessary to notify all close contacts of the infected employee so they too can take measures to minimize further risk of spread.” The guidance states that examples of contact for the food industry could include any employee who was in face-to-face or physical (i.e. touching) contact; any employee who was within 3 feet with the confirmed case; anyone who has cleaned up any body fluids without adequate PPE (e.g. gloves, overalls, protective clothing); employees in the same working team or work group as the confirmed case; and any employee living in the same household as a confirmed case. The WHO recommends that contacts be quarantined for 14 days from the last point of exposure to the confirmed case. FDA and USDA’s recommendations do not include this level of detail, and instead refer companies to confer with state and local authorities. ^{6/} The recommendation to quarantine potentially exposed employees for 14 days from the last point of exposure also differs from recent CDC guidance, which advises critical infrastructure workers may continue to work after exposure to a suspected or confirmed case of COVID-19, provided they remain asymptomatic and certain additional precautions are followed. ^{7/}

The guidance explains that staff who have not had close contact with the confirmed case should attend work as usual. Likewise, closure of the workplace is not recommended.

Transportation and Delivery of Food Ingredients and Food Products

The guidance recommends that drivers and other staff delivering to food premises should not leave their vehicles during delivery. It also advises that drivers and other staff be provided with an alcohol-based hand sanitizer, a disinfectant, and paper towels, and that drivers should use a hand sanitizer

Coronavirus Disease 2019 (COVID-19) (Apr. 5, 2020), available at <https://www.fda.gov/food/food-safety-during-emergencies/food-safety-and-coronavirus-disease-2019-covid-19>.

^{6/} See “Workers Testing Positive,” Food Safety and the Coronavirus Disease 2019 (COVID-19), available at <https://www.fda.gov/food/food-safety-during-emergencies/food-safety-and-coronavirus-disease-2019-covid-19>; “Food Safety,” Coronavirus Disease (COVID-19), available at <https://www.usda.gov/coronavirus>.

^{7/} See HL Memo, CDC Issues Interim Guidance on Safety Practices for Critical Infrastructure Workers (Apr. 9, 2020), available at <https://www.hlfoodlaw.com/>.

before passing delivery documents to food premises staff. The WHO/FAO also recommend that disposable containers and packaging should be used to avoid the need for cleaning any returns. If reusable containers are used, the guidance also suggests appropriate hygiene and sanitation protocols should be implemented.

The guidance states that drivers delivering to food premises should be aware of the potential risks involved in contact transmission of COVID-19. The WHO/FAO also advise drivers should be mindful of physical distance when picking up deliveries and passing deliveries to customers, as well as of the need to maintain a high degree of personal cleanliness and to clean protective clothing.

Neither FDA nor USDA have provided recommendation specific to drivers involved in food businesses.

Retail Food Establishments

According to the guidance, “Food workers in retail premises are unlikely to contaminate food if they follow standard, good personal hygiene practices that reduce the risk of transmission of most foodborne illnesses.” To that end, the guidance recommends that measures such as frequent handwashing, use of hand sanitizers, use of protective clothing, and good respiratory hygiene will reduce the risk of spreading the disease. The WHO/FAO advise employers should stress the importance of more frequent handwashing and maintaining good hygiene practices and of more frequently cleaning and disinfecting surfaces that are touched regularly. They recommend that food workers need to be aware of symptoms of COVID-19 and inform their employers and seek medical advice if they think they have symptoms of the disease.

The guidance includes measures retailers can use for maintaining physical distancing in retail food premises, an area where FDA has not previously provided recommendations. The potential measures include:

- Regulating the numbers of customers who enter the retail store to avoid overcrowding;
- Placing signs at entry points to request customers not to enter the shop if they are unwell or have COVID-19 symptoms;
- Managing queue control consistent with physical distancing advice both inside and outside stores;
- Providing hand sanitizers, spray disinfectants, and disposable paper towels at store entry points;
- Using floor markings inside the retail store to facilitate compliance with the physical distancing, particularly in the most crowded areas, such as serving counters and tills;
- Making regular announcements to remind customers to follow physical distancing advice and clean their hands regularly;
- Introducing plexiglass barriers at tills and counters as an additional level of protection for staff;
- Encouraging the use of contactless payments; and
- As consumers increasingly bring their own shopping bags, posting advice to consumers to clean their shopping bags before every use in the food retail premises (shops, outlets, supermarkets).

The WHO/FAO advise the risk of transmitting COVID-19 can be minimized by identifying high touch points in retail premises (e.g., shopping carts, door handles, weighing scales) and ensuring they are cleaned and disinfected regularly. Potential actions identified in the guidance include:

- Providing wipes (or other forms of sanitization) for customers to clean the handles of shopping trollies and baskets; or assigning staff to disinfect handles of shopping trollies after each use;
- Washing and frequent sanitizing items such as ladles, tongs, and condiment holders; and
- Keeping doors open where possible to minimize contact.

The guidance also provides recommendations for open food displays in retail premises. The guidance states that “there is currently no scientific evidence suggesting that food is associated with transmission of the COVID-19 virus.” The WHO/FAO guidance generally is consistent with FDA advice on self-service food buffets in retail settings, and includes maintaining good hygiene practices around open food displays and frequent sanitation of food contact surfaces and utensils.

However, while FDA notes that in some communities state and local authorities have implemented social distancing measures which discourage or prohibit dining in congregate settings and “recommend[s] discontinuing self-service buffets and salad bars until these measures are lifted,” ^{8/} the WHO/FAO guidance does not include a similar recommendation. In order to hygienically manage open food displays and to avoid the transmission of COVID-19 through surface contact, the guidance advises that food retailers should:

- Maintain frequent washing and sanitizing of all food contact surfaces and utensils;
- Require food service workers to frequently wash hands, and, if using gloves, these must be changed before and after preparing food;
- Require food service workers to frequently clean and sanitize counters, serving utensils and condiment containers;
- Make available hand sanitizer for consumers on their way in and out of the food premises;
- Consider not openly displaying or selling unwrapped bakery products from self-service counters. Instead, bakery products on open, self-service displays in retail stores should be placed in plastic/cellophane or paper packaging. Where loose bakery products are displayed in retail stores, these should be placed in plexiglass display cabinets and placed in bags using tongs when customers are served.

The guidance also recommends advising consumers to wash fruit and vegetables with potable water before consumption.

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We will continue to monitor FDA’s response to COVID-19. Should you have any questions or if we can be of assistance with your COVID-19 response strategy, please contact us.

^{8/} “How do I handle self-service food buffets such as salad bars in a retail setting related to COVID-19,” Food Safety and the Coronavirus Disease 2019 (COVID-19) (Mar. 17, 2020), available at <https://www.fda.gov/food/food-safety-during-emergencies/food-safety-and-coronavirus-disease-2019-covid-19>.