



CITY OF CONCORD
New Hampshire's Main Street™
Community Development Department

David V. Hall
Code Administrator

FROM: Brian Santiago, Health and Licensing Officer

DATE: June 25, 2024

SUBJECT: Updating the Sanitary Food Code Ordinance

Recommendation

Accept this report and set the attached ordinance for public hearing.

Background

The United States Department of Health and Human Services, Public Health Service, Food and Drug Administration publishes and supplements the FDA Food Code on a regular basis. The City of Concord previously adopted the 2001 edition of the National Food Code, which is known as the Sanitary Food Code of the City of Concord, Chapter 13, Public Health, Article 13-5, Sanitary Food Code.

The State of New Hampshire adopted the 2017 FDA Food Code, and updated HeP-2300, back in early 2020. These two Codes represented the most current food safety science and the best recommended practices for food safety educators and regulators.

Most recently, the FDA released the 2022 FDA Food Code back in January of 2023, the release was delayed due to the COVID-19 Pandemic. The State of New Hampshire is currently looking to update their Sanitary Food Safety Code to the 2022 FDA Food Code.

The City of Concord Code Department believes that it is in the best interest of the City, its residents and its visitors, to update the Sanitary Food Code by adopting the 2022 FDA Food Code and State amendments noted in HeP-2300.

The State of New Hampshire allows homestead operations to prepare certain types of food items in a household kitchen. The City of Concord Code Department also proposes to allow homestead operations on a limited basis in Concord. A draft of the proposed rules and regulations relative to homestead operations to be adopted by the Health and Licensing Officer is being provided.

Discussion

The 2022 FDA Food Code is the most recent set of codes to be published by the Food and Drug Administration. The FDA Food Code establishes practical, science-based guidance for mitigating risk factors

known to cause foodborne illness. The adoption of the model code will assist in achieving uniform food safety standards and for enhancing the efficiency and effectiveness of our inspection and enforcement protocols. Staff has performed an extensive review of both the State HeP-2300 as well as the changes and updates from the 2017 FDA Food Code to the 2022 FDA Food Code.

Staff is proposing also revisions to the model code in Section 13-5-3, Amendments to the 2001 U.S. Public Health Service/FDA Food Code to be consistent with our state and local laws. There are also revisions in 13-5-11, Issuance of Notice to use terminology and methodologies for violations that are consistent with the model code and our state law. The remaining revisions consist primarily of housekeeping changes, and also contain changes relative to homestead operations.