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April 8, 2020

MEMORANDUM

FROM: Olsson Frank Weeda Terman Matz PC

RE: Food Safety and the Coronavirus Disease 2019 (COVID-19)

The Food and Drug Administration (FDA) is maintaining a website, [Food Safety and the Coronavirus Disease 2019 \(COVID-19\)](#), on which it posts and updates, in a question and answer (Q&A) format, information of interest to food production/processing facilities and retail food establishments about best practices during the ongoing public health emergency.

The website presently is divided into Q&As about the following topics and provides some salient advice. Examples include:

1. Food Supply

- “If you are experiencing issues regarding your supply chain, delivery of goods, or business continuity, please contact the FEMA National Business Emergency Operations Center at NBEOC@fema.dhs.gov. This is a 24/7 operation and they can assist in directing your inquiry to the proper contact.”
- “Currently there is no evidence of food or food packaging being associated with transmission of COVID-19.”
- “Food facilities, like other work establishments, need to follow protocols set by local and state health departments, which may vary depending on the amount of community spread of COVID-19 in a particular area. We encourage coordination with local health officials for all businesses so that timely and accurate information can guide appropriate responses in each location where they have operations.”

2. Social Distancing, Disinfecting & Other Precautions

- “To prevent spread of COVID-19, CDC is recommending individuals employ social distancing or maintaining approximately 6 feet from others, when possible. In food production/processing facilities and retail food establishments, an evaluation should be made to identify and implement operational changes that increase employee separation. However, social distancing to the full 6 feet will not be possible in some food facilities.”
- “On April 3, the CDC released an updated recommendation regarding the use of cloth face coverings to help slow the spread of COVID-19. CDC recommends the use of simple cloth face coverings as a voluntary public health measure in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies).”
- “FDA’s Food Code recommendations for hand washing and glove use in food service and retail food stores have not changed as a result of the pandemic. (Food Code 2017 Section 2-301.11). Per the FDA Food Code: with limited exceptions, employees may not contact exposed, ready-to-eat foods with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single use-gloves, or dispensing equipment (Food Code 2017 Section 3-301.11). Gloves are not a substitute for hand washing or hand hygiene.”
- “We do not anticipate that food products would need to be recalled or be withdrawn from the market because of COVID-19, as there is currently no evidence to support the transmission of COVID-19 associated with food or food packaging.”

3. Temporary Policy

- FDA has issued guidance documents providing industry with temporary flexibility in the following areas:
 - Egg safety, packaging, and labeling;
 - Supplier verification onsite audit requirements for receiving facilities and importers under FSMA; and
 - Nutrition labeling of foods diverted from restaurants/foodservice to retail sale.

4. Workers Testing Positive

- “If an employee is confirmed to have COVID-19, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality about individual employees’ identities.”
- “Food facilities need to follow protocols set by local and state health departments, which may vary depending on the amount of community spread of COVID-19 in a



given area. These decisions [e.g., facility closure] will be based on public health risk of person-to-person transmission – not based on food safety.”

This website supplements advice being conveyed to the food industry through FDA’s issuance of immediately effective guidance documents. Although we will continue to report relevant new information from FDA’s Q&A webpage, FDA’s [Press Announcement](#) webpage, FDA guidance and other announcements received via email subscriptions and other sources, we suggest that our clients visit these pages routinely. We, of course, are available to assist with COVID-19-related (or unrelated) regulatory food matters.

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