

# TEXAS DEPARTMENT OF STATE HEALTH SERVICES



## DIVISION FOR REGULATORY SERVICES ENVIRONMENTAL AND CONSUMER SAFETY SECTION POLICY, STANDARDS, AND QUALITY ASSURANCE UNIT PUBLIC SANITATION AND RETAIL FOOD SAFETY GROUP

### PUBLIC SANITATION AND RETAIL FOOD SAFETY GROUP REGULATORY CLARIFICATIONS

February 9, 2001 (Revised: October 15, 2015)

PSRFSGRC - No. 8

**SUBJECT: RESTRICTION OF A FOOD EMPLOYEE WITH LESIONS**

#### **Applicable Texas Food Establishment Rules (TFER) Sections:**

§228.35(a)(1)(E) Responsibilities and Reporting Symptoms and Diagnosis

§228.36(9) Conditions of Exclusions and Restrictions

#### **Question:**

Can a food employee work if they have lesions that are on the hands or an area of the body other than the hands?

#### **Response:**

A food employee shall be restricted from working with exposed food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles if the food employee has infected wounds or lesions that contain pus on the hands or forearms. If the infected wounds or lesions are located on another part of the body, the food employee does not need to be restricted from working with exposed food or utensils. The wounds or lesions must be kept covered with clean, dry, durable, and tightfitting bandages.

#### **Support:**

§228.35 (a)(1)(E) requires that a food employee inform the person in charge at a food establishment if they have an illness or medical condition that is related to the transmission of foodborne disease. The existence of "...a lesion containing pus such as a boil or infected wound..." is one of the symptoms of possible illness that the food employee is required to report to the person in charge.

The person in charge is required under §228.36(9) to restrict the food employee if a food employee is infected with a skin lesion containing pus such as a boil or infected wound that is open or draining and not properly covered as specified under §228.35(a)(1)(E). The TFER does not specify the location on the body of the lesion or wound that would induce the work restriction requirement.

The Federal Food and Drug Administration states in the Public Health Reasons Annex of the 2013 Food Code, Section 2-201.11, that "...lesions containing pus that may occur on a food employee's hands, as opposed to such wounds on other parts of the body, represent a direct threat for introducing *Staphylococcus aureus* into food." The FDA expands the discussion by warning that pustular lesions on the arms would be a concern if certain food preparation practices would result in the food coming into contact with the exposed portion of the arms. The FDA continues the cautionary statements by reminding the food employees that, if they touch exposed lesions that are on other parts of their bodies with their hands, they can still pose a direct threat for introducing *Staphylococcus aureus* into food.

It is evident that there is some risk that *Staphylococcus aureus* can be introduced into food if there is an infected wound or pustular lesion on any part of the body of a food employee. This risk must be evaluated when determining if the food employee must be restricted from working. The Texas Department of State Health Services (DSHS) has determined that food safety must be the most important consideration when evaluating the risk, but also understands that a food employee may be faced with a financial burden, if not allowed to work at all.

DSHS has determined that if a food employee has pustular lesions or infected wounds on the hands or forearms, he/she must be restricted from working with exposed food, clean equipment, utensils, and unwrapped single-service and single-use articles. The employee can perform other duties, such as handling dirty dishes or mopping floors, if lesions or wounds are covered with clean, dry, durable, and tightfitting bandages and a disposable glove is worn over the bandages. The food employee would not have to be restricted from working with exposed food or food equipment, if the lesions or wounds are located on any part of the body other than the hands or forearms. These lesions or wounds must be kept covered with clean, dry, durable, and tightfitting bandages.

Agree to form and substance:



Christopher Sparks, MPA, R.S.

Manager

Public Sanitation and Retail Food Safety Group

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