



PATRICK SNYDER

STATE REPRESENTATIVE • 85th ASSEMBLY DISTRICT

Testimony in Support of Senate Bills 226 and 227

Chairman Jacque and members of the Committee on Local Government, Small Business, Tourism and Workforce Development, thank you for gathering today to hear testimony on Senate Bills 226 and 227. This legislation is a two part bill package that would improve awareness of food allergies; increase safety for those with food allergies; and reduce critical incident risk for restaurant owners.

Food allergies are serious, sometimes life threatening conditions that impact an estimated 32 million Americans, including 4-6% of children. A food allergy, distinctly separate from a food intolerance, occurs when the body has an immune response to a food, similar to the body's response to germs. Symptoms of food allergies may be mild, such as red and itchy skin, stuffy nose, and watery eyes; however, severe reactions may include vomiting, swelling of the throat, trouble breathing, loss of consciousness, and, in the most severe cases, death.

It is estimated by the Food and Drug Administration that food allergies cause 30,000 emergency room visits, 2,000 hospitalizations, and 150 deaths each year in the United States, costing millions in health care. Additionally, food allergies are now the leading cause of anaphylaxis in community health settings. Research indicates this problem is only going to get worse; between 1997 and 2007, food allergies among kids increased by 18%, making it imperative that we address the situation sooner than later.

While there is no cure for food allergies, the impact that they have on our citizens and community response systems can be partially mitigated through better education and awareness, which is why SB 226 and SB 227 are critical.

SB 227 would require certain retail food establishments to display an educational poster about food allergies for employees. Because we know that 90% of serious food allergy reactions are caused by eight food groups—soy, milk, eggs, wheat, shellfish, peanuts, tree nuts, and fish—the poster must display these eight major allergens. We also know that very trace amounts of a food, such as 1/44,000 of a peanut kernel, can cause a reaction to the most severely allergic, so the poster must address cross-contamination risk factors. Lastly, the poster should contain information on the food establishment's protocol if a person has a food allergy or is having an allergic reaction. This poster is a low-burden requirement for restaurants to ensure employees are well-equipped with the knowledge necessary to prevent serious situations from occurring due to food allergies.

Additionally, SB 226 would require certain retail food establishments to include a statement on their menu saying "Before placing your order, please inform your server if a person in your party



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has a food allergy.” Over 160 foods have been known to cause an allergic reaction, and as restaurants become more unique and creative with their menu items and menu design, it has become harder for those with food allergies to determine what menu items may contain an allergen. By seeking information on the customer’s needs before meal preparation, restaurants and their customers will help avoid critical situations caused by food allergies.

In the past several years, there have been several high-profile cases of food allergy related incidents. A notorious case from Quebec in which a server was arrested due to serving a customer salmon after he expressed his fish allergy; a James Beard award winner sued for a severe allergic reaction that happened in his restaurant; and a college student dying from an allergic reaction, in which he didn’t warn servers about his allergy because the menu didn’t list peanuts as an ingredient, are all examples within the past few years which demonstrate how significant of an issue this is becoming. This legislation will help prevent incidents like these from happening, by promoting stronger communication between consumer and servers, and supporting employee awareness.

Once again, thank you for your time today, and I would be happy to answer any questions.



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June 14, 2019

Testimony in support of SB 226 and SB 227
Susan Quam, Executive Vice President

Senate Committee on Local Government, Small Business, Tourism and Workforce

Thank you for the opportunity to speak today on behalf of the restaurant industry. The Wisconsin Restaurant Association is dedicated to the success of the foodservice and hospitality industry. The WRA represents over 7,000 restaurant locations in Wisconsin. Membership ranges from independent restaurants, multi-unit franchisees/franchisors, hotels/resorts and large contract management companies. The majority of our members are locally owned, small businesses who are the cornerstones of their communities.

The WRA supports both SB 226 Food Allergy Statements and SB 227 Food Allergy Posters.

We consider both of these bills as proactive measures to protect both the consumer and the foodservice and hospitality industry.

People with food allergies are important customers which the foodservice and hospitality industry needs to be able to accommodate safely. Not only do restaurant staff need to be aware of the seriousness of food allergies, but customers also need to be reminded of their responsibility to be up front in informing staff of their life-threatening allergies. Menus already have a mandatory statement regarding raw or undercooked food from animal sources, so adding a menu statement on allergies is not a new concept for the industry to incorporate. Many operations already have done this voluntarily.

SB 226 gives a window of 13 months for restaurants to have the allergen statements added to menus or menu boards. We believe this is a reasonable window, since most restaurants reprint menus at least once a year. Alternately, a restaurant could use a sticker or sign for menus and menu boards that are not updated inside that window.

SB 227 requires an educational poster be hung in the back of the house for staff. We believe that educating all employees regarding food allergies is important. While we include allergen training in all of WRA's food safety courses, not all employees are exposed to proper training and information on the importance of taking customers with food allergies seriously. We believe the mandatory poster is a good first step in raising the bar within the industry.

There are many free posters available for operators to comply with this requirement. I have included a copy of WRA's free poster with the testimony, which we make available on our website for anyone to download and print.



PEANUTS



SHELLFISH



TREE NUTS



EGGS



WISCONSIN
RESTAURANT
ASSOCIATION

MILLIONS OF AMERICANS HAVE FOOD ALLERGIES.

LEARN MORE ABOUT HOW TO BE PREPARED.

Always let the guest make their own informed decision.

When a guest notifies you that someone in their party has a food allergy, **follow the four R's:**

Refer the food allergy concern to the chef, manager or person in charge

Review the food allergy with the guest and check ingredient labels

Remember to check the preparation procedure to potential cross-contact

Respond to the guest and inform them of your findings



WHEAT



DAIRY



SOY



FIN FISH

Sources of Cross-Contamination

- cooking oils
- airborne dust
- appliances
- contaminated utensils (spoons knives, spatulas, tongs, etc.)
- splatter and steam from cooking foods
- cooking equipment
- food
- flour

When any tools, utensils or appliance come into contact with food allergens, **wash thoroughly in hot, soapy water.**

**IF A CUSTOMER HAS AN
ALLERGIC REACTION,
CALL 911 AND NOTIFY
MANAGEMENT**

To learn more, visit foodallergens.com

June 18, 2019

My name is Carter Cygan, and I am from Wausau, Wisconsin. I attend Wausau East High School and will be a junior this upcoming fall. Growing up, I have had a severe allergy to nuts.

Imagine this: you are enjoying dinner with family and friends. Half way through your meal, though, your waiter anxiously rushes to the table to inform you your dish contains your food allergen. This is a scenario all those affected by food allergies know and fear. It triggers this sense of impending doom. The damage is done, and you must await the consequences. Your mind aimlessly wonders, contemplating the endless side effects and fearing the worst: anaphylaxis.

Dining at a restaurant is a time to enjoy the company of family and friends. This, unfortunately, is not always the case. Instead, for many people affected by allergies (myself included), the dining experience is worrisome, as we fear the wellness of our health. But, through simple legislation, we can bring awareness to food allergies in restaurants and prevent future life-threatening allergic reactions.