

CLIENT ALERT

Re-Thinking Dining in the Age of COVID-19: Follow FDA Best Practices for Re-Opening Retail Food Establishments

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On May 8, 2020 the U.S. Food and Drug Administration (“FDA”) shared a checklist of [best practices](#) for re-opening retail food establishments (including restaurants) during the COVID-19 pandemic. According to FDA, this checklist establishes key food safety practices, but is not an exhaustive list. FDA recommends that retail food establishments work with local health and regulatory authorities to discuss requirements for safely re-opening.

FDA’s checklist includes many of the same recommendations from its previous [best practices for food retail stores, restaurants, and food pick-up and delivery services](#). In addition, this new checklist focuses on several aspects of safe re-opening, including facility operations, food safety, and employee health. These recommendations will alter how Americans dine and interact with restaurant employees for the foreseeable future.

(1) Facility Operations

According to FDA, retail food establishments should post informational signs on how to prevent the spread of COVID-19. FDA recommends increasing circulation of outdoor air as much as possible, for example by opening windows. Further, high-touch self-service items should be removed from use altogether. For example, restaurants should remove condiments, salt and pepper shakers, and reusable menus from their dining rooms.

(2) Food Safety

Retail food establishments should ensure that their water systems are properly flushed before use, and that ice machines and bins are cleaned and sanitized. All food preparation and contact surfaces should be properly cleaned using sanitizers and disinfectants approved by [EPA](#) for use against the COVID-19 (SARS-CoV-2) virus. All non-single use utensils should be washed with dish soap and hot water in a dishwasher.

(3) Employee Health and Activity

Retail food establishments should establish a protocol for monitoring employee health and personal hygiene practices, and should follow [CDC guidance](#) for screening employees, including temperature checks. We recommend that retail food establishments document their procedures for monitoring employee health and hygiene practices. They should also have a plan for ensuring an adequate supply of personal protective equipment (PPE) and/or cloth face coverings for their employees.

Ultimately, adhering to these practices can better protect the health of retail food industry employees and consumers, and ensure that re-opening proceeds as safely as possible. Some changes – such as removing menus and condiments from restaurant dining rooms – will certainly alter the normal restaurant experience for the foreseeable future. Nonetheless, FDA has determined that these steps are crucial to ensuring the safe re-opening of food establishments.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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