

DATE: December 23, 2025

TO: Hearing Attendees and Commenters –
Oregon Administrative Rule 333-150-0000, “Food Sanitation Rule
update to align with the 2022 Food and Drug Administration (FDA)
Food Code”

FROM: Brittany Hall, Hearing Officer and Administrative Rules Coordinator

cc: Gabriela Goldfarb, Section Manager
Environmental Public Health

SUBJECT: Presiding Hearing Officer’s Report on Rulemaking Hearing and Public
Comment Period

Hearing Officer Report

Date of Hearings: November 17, 2025, and November 18, 2025, via Microsoft
Teams

Purpose of Hearings: The purpose of these hearings was to receive testimony
regarding the Oregon Health Authority (OHA), Public Health Division, Foodborne
Illness Prevention Program’s proposed amendments to Oregon Administrative
Rule (OAR) 333-150-0000, “Food Sanitation Rule”. The program is adopting the
Food and Drug Administration (FDA), Department of Health and Human Services,
[2022 Model Food Code](#) to bring Oregon’s rules closer to the national standard for
food safety.

The goal of the reorganization is to update rule language to better address the
public health concerns with modern food establishments. Oregon’s current rules
are based on the 2009 FDA Food Code and much has changed in the dynamic food
service industry and with the science around food safety since then.

This update will incorporate changes that allow increased flexibility around topics like reduced oxygen packaging and cooling, making it easier for food service operators to comply safely with these rules in the future. It will also attempt to decrease the risk of foodborne illness by requiring food service workers to use utensils when touching food with their bare hands and for facilities to have staff that have completed food manager certification programs.

These proposed rules also implement provisions of [Senate Bill 90](#), which implements a limit on food service establishments providing plastic straws to consumers unless requested (Oregon Laws 2019, chapter 362), which were passed during the 2019 Oregon Legislative Session. These rules were inadvertently removed from the rule text but have been in place since January 1, 2020.

Hearing Officer: Brittany Hall

Testimony Received: Three individuals provided testimony at the hearings.

Other Comments: Four individuals or organizations submitted written comments to OHA within the period allotted for public comment, which closed at 5:00 PM on November 30, 2025. Written comments that were received prior to the deadline are attached to this report as **EXHIBIT 1**. A summary of written comments and oral testimony, in no particular order, is below.

In oral testimony, OHA heard opposition to the requirement that utensils or single-use gloves be used when handling food, restricting the use of bare hands to touch and serve ready-to-eat foods. Testifiers opined that this restriction will be particularly burdensome to certain restaurant models, including small kitchens with one cook and kitchens that use woodfire ovens. The requirement will also slow restaurants down when employees need to switch gloves, wash hands, dry hands and put new gloves on, and may have the unintended consequence of less handwashing because people may have a false sense of security from wearing gloves. Oral testimony also noted that the increased use of single-use gloves is not environmentally friendly and will be an added cost to restaurants already struggling with the increased cost of goods, that will need to purchase more gloves in a variety of sizes. It was suggested that better education by the counties and the state is needed, and restaurants and managers of restaurants should continue to have the autonomy to decide when gloves should be used.

Agency response:

Many of the specific examples provided, such as handling raw pasta dough, or creating and placing pizzas into an oven are not activities that would be impacted by the rule change. Because these are not ready-to-eat foods, they can be handled with bare hands and facilities would not need to change their practices. The agency acknowledges that glove use in food establishments can present challenges for both food safety and environmental stewardship. It is important to remember that the requirement is that food workers use tools to handle ready-to-eat foods and there are many reusable options, like spoons, spatulas, tongs and deli papers. Non-latex gloves may still be used, but they are not the only option.

The proposed rules will still allow for the option to apply for a variance if the owner/operator can show that the establishment has additional public health practices in place. This is outlined in more detail in section 3-301.11(E) of the proposed rules.

This requirement has been part of the national FDA Food Code since 1997 and has already been required in Oregon Department of Agriculture-regulated facilities since 2013. Most of the U.S., including our neighboring states, already have this rule in place. The science is clear that double handwashing alone is not enough to stop the spread of norovirus and other foodborne illnesses.

By adding this rule, Oregon will be aligning itself with national standards and taking an important step toward reducing foodborne illness and protecting public health.

In written comments, OHA heard concern about the requirement that at least one certified food protection manager be on-site during all operating hours. Written testimony noted that “while the rule states ‘at least one,’ in practice this necessitates multiple certified managers – effectively four people – to cover all shifts, days off, illness, emergencies, and the daily realities of running a small business.” Written comments opined that this requirement “creates a substantial financial and logistical burden” for small businesses, as “certified managerial staff are costly to hire and retain, and many family-run establishments operate with limited personnel.” Written comments requested “more flexible options for compliance, such as allowing remote or on-call certified oversight during low-risk

hours, providing tiered requirements based on establishment size, or creating a more achievable phase-in period for small operators.”

Agency response:

The agency had proposed a three-tiered approach to the Certified Food Manager requirement:

2-102.12 Certified Food Protection Manager

- (A) By January 1, 2029, at least one PERSON IN CHARGE shall be a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM.
- (B) By January 1, 2031, at least one PERSON IN CHARGE shall be a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM. The certified PERSON IN CHARGE must be present each day the establishment operates and during the hours of operation that represent the highest food safety risk to the food establishment.
- (C) By January 1, 2033, every PERSON IN CHARGE shall be a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM.

The agency had already created part (B) to accommodate similar concerns with part (C) that were raised in the rule advisory committee. Because these concerns persist, the agency is willing to remove part (C). This is specific to the requirement for one Certified Food Manager per shift. Public health is still being improved by adding parts (A) and (B) and the per shift requirement can be revisited in a future rule revision for potential inclusion at that time.

In written comments, OHA heard the request for the following amendments to section 4-205.10 “Equipment, Certification and Classification” of the Food Code to be incorporated into OAR 333-150-0000:

4-205.11 Equipment, Certification and Classification

New and replacement FOOD EQUIPMENT shall be certified or classified for sanitation in conformance to a recognized American National Standard by an American National Standards Institute (ANSI)-accredited certification program,

unless otherwise evaluated and approved by the REGULATORY AUTHORITY as meeting the requirements of this chapter.

Written comments opine that “requiring ANSI-accredited certification for new and replacement food equipment promotes uniformity, reduces regulatory burden, strengthens public health protections, and is consistent with other Oregon rules.” Written comments in Exhibit 1 provide rationale for the requested changes.

Agency response:

The agency’s determination is to leave this rule section as written in the 2022 FDA Food Code because this change was not specifically discussed in the rule adoption committee and would create an entirely new section of rule. Also, Oregon Health Authority would like this to remain as a non-debitable item in the Food Sanitation Rules as it has been historically.

In written comments, OHA heard the request for the following to be removed from the rules:

OAR 333-150-0000 3-201.11 Compliance with Food Law: (J) Food prepared in a private home that is licensed as a home processor by the Oregon Department of Agriculture.

The rationale provided for this request is “to ensure food products served in restaurants and mobile units are protected.” Written comments noted concern “about the potential allowance of food prepared in private homes where pets have access to the kitchen being sold to commercial establishments, specifically restaurants and mobile units. Currently, health regulations prohibit pets in kitchens of restaurants and mobile food units. This standard is in place to establish a critical barrier against contamination in food prepared for public consumption.” Written comments note that “the standards for ODA home processors are less than the food facilities regulated by this code” and a “large concern is that ODA home processing kitchens have changed to allow for pets in the home.” Written comments opine that “allowing products made in a less controlled domestic environment, where pets are present, could significantly increase the risk of

contamination, potentially leading to a widespread public health impact if a compromised product enters the commercial food supply chain.”

Agency response:

The agency’s determination is to leave this rule section as written in the 2022 FDA Food Code because this change was not specifically discussed in the rule adoption committee and would impact both a sector of licensed facilities and a partner agency, Department of Agriculture, neither of which had a chance to provide input in advance of the adoption.

Written comments noted some formatting errors in the [user version of the proposed Food Sanitation Rules](#). Specifically, under Chapter 1, written comments detail pages where the user version of the proposed Food Sanitation Rules are missing the same numbering/lettering to organize the rule that is shown in the 2022 FDA Food Code (See attached Exhibit 1).

Agency response:

We appreciate the feedback, and this will be corrected throughout the Food Sanitation Rules for the final adopted document.

Under Chapter 1 in the definition of “Food establishment” as it pertains to continental breakfast served by a traveler’s accommodation, written comments note that “non-potentially hazardous” (ingredients) has been replaced with “with time/temperature control for safety (TCS)” (ingredients). It was questioned if TCS ingredients are now being allowed in this situation or if it is supposed to say, “with **no** TCS ingredients” (to update the term “potentially hazardous food”). Written comments stated that if the term “potentially hazardous” is being updated to “TCS” then that update was missed in some other places throughout the document.

Agency response:

We appreciate the feedback, and this will be corrected throughout the Food Sanitation Rules for the final adopted document.

Under Chapter 1, “Food establishment regulated by the Oregon Health Authority includes but is not limited to:... (5) **That** relinquishes possession of food to a consumer directly through a restaurant takeout order,” written comments note that “this reads like a word or description is missing at the beginning of the sentence/description in #5.”

Agency response:

We appreciate the feedback, and this will be corrected throughout the Food Sanitation Rules for the final adopted document.

Under Chapter 2, section 2-102.12 Certified Food Protection Manager: (D) This section does not apply to certain types of FOOD ESTABLISHMENTS deemed by the AUTHORITY to pose minimal RISK....”. Written comments questioned “where the line will be drawn for determining the type,” and specially asked that it not apply to drive through coffee kiosks where there is typically only room for 1 person, serving coffee drinks and pre-made baked goods.

Written comments also requested that when 2-102.12(B) and (C) are phased in, OHA “identify or support the availability of sources for these certifications at the same reasonable cost for those that need languages other than English; and available for all learning types (i.e. in person class vs online).”

Agency response:

OHA will provide specific guidance to local public health authorities and operators through fact sheets to ensure that this section of the rule is applied consistently statewide. Research has already been conducted on sources for trainings, and these will all be posted on OHA’s Food Manager Training webpage as a resource.

Under Chapter 3, section 3-201.11 Compliance with Food Law(K)(1)(b) Volunteers that provide only time/temperature for safety baked goods as allowed under paragraph (l) – Written comments note that the word “no” or “non” may need to be added before “time/temperature control for safety.”

Agency response:

We appreciate the feedback, and this will be corrected throughout the Food Sanitation Rules for the final adopted document.

Written comments note support for the change under Chapter 8, paragraph 8-201.13(B) When a HACCP Plan is Required.

Agency response:

We appreciate the support for changes to this section.

Written comments requested the effective date of the rules be adjusted to a later date (i.e. 7/1/2026) if all of the guidance documents, HealthSpace violations and informational changes will not be complete and ready by the current planned implementation date of 1/1/2026. Written comments note that this was done when the 2009 FDA Food Code was adopted and allows time for environmental health specialists to learn the new rules and changes, and “be able to provide education to operators with consistent and professional roll out.”

Agency response:

OHA will conduct an educational rollout throughout all of 2026, as we do with all new rule adoptions. This allows both operators and inspectors to become familiar with new rule requirements and to come into compliance with the updated code before violations are cited for newly added items. This is standard practice for Food, Pool and Lodging Program rule adoptions and will be implemented for this Food Sanitation rule update as well.

EXHIBIT 1

From: [Dragon Palace Lee](#)
To: [Public Health Rules](#)
Subject: Comment Regarding Proposed Permanent Rulemaking - OAR 333-150-0000, Food Sanitation Rule Update
Date: Saturday, November 8, 2025 8:41:34 PM

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Dear Oregon Health Authority,

I am writing on behalf of our small, family-owned restaurant to provide feedback on the proposed 2026 Food Sanitation Rules. We appreciate the effort to clarify and modernize food safety definitions, and we do not have concerns with the proposed updates to terminology or requirements for defined procedures.

However, we would like to express significant concern regarding the requirement that *at least one* certified food protection manager be on-site during all operating hours. While the rule states “at least one,” in practice this necessitates multiple certified managers—effectively four people—to cover all shifts, days off, illness, emergencies, and the daily realities of running a small business.

For small restaurants like ours, this creates a substantial financial and logistical burden. Certified managerial staff are costly to hire and retain, and many family-run establishments operate with limited personnel. Requiring continuous on-site coverage increases labor costs and may force businesses to reduce hours or raise prices, both of which impact our ability to stay competitive in an already challenging market.

We fully support food safety and proper training, and we agree that having a certified food protection manager is important. We respectfully ask the OHA to consider more flexible options for compliance, such as allowing remote or on-call certified oversight during low-risk hours, providing tiered requirements based on establishment size, or creating a more achievable phase-in period for small operators.

Thank you for the opportunity to comment and for considering the challenges faced by small independent restaurants.

Sincerely,
Jennifer Lee
Dragon Palace
Gresham, Oregon

NSF International

Ann Arbor, Michigan 48105-9723
USA

Telephone:
Website:

nsf.org



Oregon Health Authority, Public Health Division
Brittany Hall, Administrative Rules Coordinator
800 NE Oregon Street, Suite 930
Portland, OR 97232

November 25, 2025

Subject: Comment on Proposed Oregon Food Sanitation Rules (OAR 333-150-0000)

Dear Ms. Hall and Oregon Health Authority,

On behalf of NSF, thank you for the opportunity to comment on the proposed change to Oregon's Food Sanitation Rule. We commend the Oregon Health Authority (OHA) for its commitment to advancing food safety and public health protections by aligning with the 2022 FDA Food Code.

NSF is an independent, not-for-profit organization founded in 1944 in Ann Arbor, MI. We develop consensus national standards and provide product inspection, testing and certification, auditing, education, and related services in the public health and safety sphere. The core purpose and mission of NSF is "To Improve Human and Planet Health."

NSF has been working in the food safety space for over 80 years. Our foundation was built upon the need for uniformity and standardization of food equipment design. Since that time, we have developed 21 food equipment standards and evaluated and certified thousands of pieces of food equipment used in commercial operations. The design, materials, and performance of commercial food equipment are fundamental in achieving food safety goals. As such, our interest in the draft rules is significant.

We respectfully request OHA's consideration of an amendment to the current proposed language as follows (blue highlight represents proposed new language, strikethrough used for deletion):

4-205.101 Equipment, Certification and Classification.

New and replacement FOOD EQUIPMENT that is shall be certified or classified for sanitation in conformance to a recognized American National Standard by an American National Standards Institute (ANSI)-accredited certification program, unless otherwise evaluated and approved by the REGULATORY AUTHORITY as meeting the requirements is deemed to comply with Parts 4-1 and 4-2 of this chapter.

For clarity and ease of reading, a "clean" version of the proposed language is provided below.



4-205.11 Equipment, Certification and Classification.

New and replacement FOOD EQUIPMENT shall be certified or classified for sanitation in conformance to a recognized American National Standard by an American National Standards Institute (ANSI)-accredited certification program, unless otherwise evaluated and approved by the REGULATORY AUTHORITY as meeting the requirements of this chapter.

Rationale for Proposed Change

1. Limited Scope to New and Replacement Equipment

This proposal applies only to new and replacement equipment, allowing existing equipment to remain in use until replacement is necessary. This approach minimizes economic impact while improving future compliance.

2. Maintains Regulatory Authority Discretion

The amendment preserves the ability of the Regulatory Authority to review and approve equipment as desired or necessary, while establishing a baseline expectation that food equipment meets [FDA recognized American National Standards \(ANS\)](#).

3. Resource Limitations

Health departments often lack the resources to evaluate equipment for hygienic design and safe materials, the latter of which may involve complex assessments of material formulations. ANSI-accredited certifiers conduct these evaluations, including performance testing and ongoing facility audits, which ensure code compliance and mitigate risks before facility owners propose the equipment.

Additionally, resource-strapped regulators are often tasked with reviewing and approving equipment based solely on a specification sheet. They do not get the benefit of examining the actual equipment they are asked to approve, nor do they have access to food contact material formulations. How much risk, both health and legal, is being taken in approving equipment this way? This is where the standards and certifications play a key role. Leveraging ANSI standards and certifications reduces liability and time burden for regulatory agencies while ensuring public health protection.

4. Addresses FDA-Identified Risk Factors

The 2022 FDA Food Code Annex 4, Part 1, Section C and D, respectively, identify contaminated equipment as a major risk factor for foodborne illness and proper equipment design as a risk-reduction method. Leveraging the American National Standards reduces the risks of illness due to equipment that is poorly designed, not easily cleanable, or made of unsafe materials. ANSI-accredited certification of food equipment fulfills this risk reduction recommendation without adding to regulators' workload.

5. Supports FDA's Push for Standardization

The FDA Food Code emphasizes uniformity through standardized inspections, standardized trainers/training, and retail program standards. Requiring food equipment to conform to the ANS



aligns with this national movement, reducing variability and promoting consistency across jurisdictions. In short, there is a desire for standardization across several other aspects of food safety, and food equipment can and should be a part of that.

Without this standardization, health departments face increased time and costs during plan review, as equipment needs to be evaluated individually. This creates potential for inconsistent approvals, leading to confusion and delays for operators and regulators alike. ANSI-accredited certification ensures equipment is evaluated once—at the point of manufacture—against uniform, code-compliant criteria, thereby expediting approvals, promoting uniformity, and reducing administrative burden.

6. Consistency with Other States and Oregon Rules

This Food Code amendment would not make Oregon an outlier but rather align it with regulatory leaders in food safety. Western states such as California, Nevada, and New Mexico, central states Minnesota and Ohio, and Maryland and South Carolina in the east, are examples of some states requiring ANSI-accredited certification for food equipment.

Oregon itself references NSF/ANSI standards and certifications in other state environmental public health rules. Extending this approach to food equipment is consistent with Oregon's existing commitment to public health. Oregon rules utilizing NSF/ANSI standards and certifications include:

- Oregon Drinking Water Rules (OAR 333-061-0050/0087/0089/0100) cite conformance to NSF/ANSI 53, 55, 58, 60, and 61,
- Oregon Public Aquatic Facility Rules (OAR 333-060-1000 – Aquatic Facility Design Standards and Construction) cite conformance to NSF/ANSI 50 certifications, and
- OEDQ Onsite Wastewater Treatment Systems Rules (OAR 340-071-0345) cite conformance to NSF/ANSI 40, 245, and 46).

Conclusion

Requiring ANSI-accredited certification for new and replacement food equipment promotes uniformity, reduces regulatory burden, strengthens public health protections, and is consistent with other Oregon rules. We urge the Oregon Health Authority to adopt the proposed amendment to Section 4-205.10 as outlined above.

Thank you for your consideration of these comments. NSF remains available to provide additional information or participate in further discussions that you deem necessary or helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Derek DeLand".

Derek DeLand, MPH, REHS/RS

Environmental Health Programs Manager, Government Affairs

NSF

[Redacted contact information]

From: [Hamilton, Julie](#)
To: [Public Health Rules](#)
Cc: [Heiden, Amy](#); [Zoller, Erika](#)
Subject: Comments regarding draft 2022 food code rule update
Date: Wednesday, November 26, 2025 12:30:00 PM

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Thank you Oregon Health Authority for taking the time to review and update the Food Sanitation Rules for Oregon.

On behalf of the Clackamas County Environmental Health team, we wanted to provide the following feedback.

Some of the Clackamas County EHS team reviewed the [Draft of the user version of the proposed Food Sanitation Rules](#).

We support the changes (shown in blue), with the following comments:

***In general**, we noticed there are some formatting things that look off or missing with this version (referenced above). We weren't sure if it is the official/final draft that will be approved as written, so we wanted to point out what our team noticed just in case. (Please disregard if not part of the official draft that will be adopted).

Chapter 1

- **Formatting** – missing the same numbering/lettering to organize the rule that is shown in 2022 FDA Food code, includes:
 - Page 4 – Commminated
 - Page 5 – Core Item
 - Page 5 – Drinking Water
 - Page 6 – Easily Cleanable (These words are bold, still no numbers used)
 - Page 6 – Egg
 - Page 7 – Equipment
 - Page 7 – Fish (This word is bold, but related items below are not numbered)
 - Page 7 – Food Contact Surface (Related items below are not numbered)
 - Page 10 - Food Processing Plant
 - Page 11 – Game Animals
 - Page 11 – Handwashing Sink
 - Page 11 – Highly Susceptible Population & Imminent Health Hazard (Items not numbered)
 - Page 12 – Juice & Major Food Allergen (not numbered)
 - Page 13 – Non-continuous Cooking, Packaged
 - Page 14 – Personal Care Items

Page 15 – Poultry, Premises, and Priority Item

Page 16 – Priority Foundation Item & Ready to Eat Food

Page 17 – Reduced Oxygen Packaging

Page 18 – Safe Material

Page 19 – Single Use Articles

Page 20 – Smooth & TCS Foods

Page 22 – Violations Creating an Imminent Risk

- "Food establishment" does not include: (7) Continental breakfast served by a traveler's accommodation licensed under ORS chapter 446 and that is limited to the following: individual or bulk dispensed containers of commercially prepared juices; commercially prepared **non-potentially hazardous** pastries; whole uncut fresh fruit with peel, and coffee and tea **with time/temperature control for safety** ingredients.

*The change highlighted teal used to be "non-potentially hazardous" – are we changing to allow TCS ingredients in this situation, or was this supposed to be "with **no** TCS ingredients" (to update the term potentially hazardous food).

If updating the term potentially hazardous to TCS, it was missed in a few other spots, including "non-potentially hazardous pastries" just prior (highlighted green above) and (3)(a) "Non-potentially hazardous confections" in this same definition. (Did not check for in the rest of the document).

- "Food establishment regulated by the Oregon Health Authority" includes but is not limited to: **(5) That** relinquishes possession of food to a consumer directly through a restaurant takeout order.

This reads like a word or description is missing at the beginning of the sentence/description in #5. We realized that is how the definition is worded in our current food sanitation rules – and thought if it is missing word(s) it could be adjusted at this time too?

Chapter 2

- 2-102.12 Certified Food Protection Manager :

- "(D)This section does not apply to certain types of FOOD ESTABLISHMENTS deemed by the AUTHORITY to pose minimal RISK..."

Some staff asked that the types of food establishments this does not apply to would include the drive through coffee kiosks (where room for 1 person, typically coffee drinks & pre-made baked goods. (Unsure where the line will be drawn for determining the type.)

- By the time (B) and (C) are phased in, would like OHA to help identify or support the availability of sources for these certifications at the same reasonable cost for those that need languages other than English; and available for all learning types (i.e. in person class vs online)

(Considering equity for all facilities to be able to comply, and to align with PH Modernization goals).

Chapter 3

- 3-201.11 Compliance with Food Law.
 - “(J) Food prepared in a private home that is licensed as a home processor by the Oregon Department of Agriculture.P”
We disagree with (J) being an approved source for food facilities (restaurants, mobile units), **especially when used as ingredients & no longer labeled/disclosed to the restaurant/mobile unit customer**. The standards for ODA home processors are less than the food facilities regulated by this code; and one large concern is that ODA home processing kitchens have changed to allow for pets in the home (“Pets – If there are pets in the residential dwelling, they are not allowed in the domestic kitchen during the commercial food preparation and their presence must be declared on the product label.” – from [Domestic Kitchen License Information - English](#))
 - “(K)A Benevolent Meal Site may serve food prepared by volunteers in an unlicensed kitchen under the following conditions:
(1)(b) Volunteers **that provide only time/temperature control for safety baked goods** as allowed under paragraph (l)”
The word “no” or “non-“ may need to be added before the TCS phrase (highlighted teal) – changed from non-potentially hazardous

Chapter 8

- 8-201.13(B) – support this change: lower risk items, conditions set to manage risks, more accessible to operators than traditional variance processes

Implementation

For LPHAs that are implementing the rule update: If all the guidance documents and HealthSpace violations and informational changes will not be complete and ready by the current planned implementation date of 1/1/2026 – can the effective date of the rules be adjusted to later (i.e. 7/1/2026) with the same adoption date (1/1/2026)?

- This was done when the 2009 FDA food code was first adopted
- Allows time for EHS to learn the new rules / changes; to be able to provide education to operators with consistent & professional roll out (and appears more professional / maintains trust of our program when staff are knowledgeable and prepared).
- LPHA cannot afford a “pause” in food facility inspections at the beginning of a new inspection cycle, like was seen for ~4 weeks with the 2025 pool rule adoption. Food facilities make up the majority of the work, and due to winter there may not be enough of

the other types of facilities to keep staff busy; and a pause in inspections longer than 1 day would jeopardize LPHA's ability to meet IGA / division 12 inspection requirements in 2026.

Thank you again for the opportunity to provide feedback and for your consideration.

Respectfully,

Julie Hamilton, Environmental Health Program Manager
Clackamas County Public Health Division

[REDACTED]
Oregon City, OR 97045
[REDACTED]

Hours of Operation: Mon – Fri 8:30 a.m. – 5 p.m.

www.clackamas.us

Health Department

Public Health Division

Date: 11/28/2025

To: publichealth.rules@odhsoha.oregon.gov

Re: Proposed Permanent Rulemaking - OAR 333-150-0000, Food Sanitation Rule Update

To whom it may concern;

The Multnomah County Health Department has reviewed the proposed food sanitation rule update and is requesting one item to be eliminated from the proposed rules:

- [OAR 333-150-0000 3-201.11\(J\)](#) Food prepared in a private home that is licensed as a home processor by the Oregon Department of Agriculture.

We are concerned about the potential allowance of food prepared in private homes where pets have access to the kitchen being sold to commercial establishments, specifically restaurants and mobile units. Currently, health regulations prohibit pets in the kitchens of restaurants and mobile food units. This standard is in place to establish a critical barrier against contamination in food prepared for public consumption.

Allowing products made in a less controlled domestic environment, where pets are present, could significantly increase the risk of contamination, potentially leading to a widespread public health impact if a compromised product enters the commercial food supply chain.

When consumers dine out they assume the products are coming from sources that are made in commercial kitchens where potential contamination is prevented by limiting access to unauthorized workers and preventing pets from being in the area.

In the past animals like lizards, turtles and backyard poultry have been linked to make outbreaks. Examples include:

- [Salmonella Outbreak Linked to Bearded Dragons](#) - 2025
- [Salmonella Outbreak Linked to Small Turtles](#) - 2024
- [Salmonella Outbreak Linked to Pet Hedgehogs](#) - 2020



Health Department

Public Health Division

- [Salmonella Infections Linked to Backyard Poultry](#) - 2019
- [Salmonella Outbreak at Arby's in Moses Lake Washington](#) - 2007

Based on these recent outbreaks, we respectfully request that 3-201.11(J) be removed from the proposed rules to ensure food products served in restaurants and mobile units are protected.

Sincerely,

A handwritten signature in black ink that reads "Andrea Hamberg".

Andrea Hamberg
Environmental Health Services Director
Multnomah County Health Department