

Chefs Fight for Bare-Hand Contact in California

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SACRAMENTO, Calif. (AP) — As the happy hour crowd poured in on a recent weeknight, the kitchen and bar staff at Hock Farm restaurant scrambled to meet the incoming orders.

One used her hands to toss locally grown Romaine hearts with anchovy dressing in a metal bowl, while another, facing diners from behind a marble countertop, used his fingers to sprinkle cojita cheese and red onion into chicken tacos.

A gloveless bartender wedged an orange slice on the edge of a white wine spritzer.

All of them were breaking a state law that took effect in January, but won't be enforced until July.

California is a straggler in banning bare-hand contact with ready-to-eat food. A state-by-state review of food codes shows 41 other states have a version of the legislation signed last year by Gov. Jerry Brown.

In all these states, chefs and bartenders must keep bare hands off food going straight to the plate or the drink glass, from the rice in a sushi roll to the mint in a mojito. Instead, they must use utensils or gloves. Hock Farm owner Randy Paragary says bringing this rule to California disrupts well-established hand-washing routines, generates unnecessary waste and restricts his employees' in their craft.

Hearing restaurant owners echo his concerns about the law's inflexibility, state legislators are considering a reversal before inspectors begin slapping fines on eateries this summer.

Since 1993, the U.S. Food and Drug Administration has recommended a hands-off approach in restaurants and bars as a staple of basic hygiene. Even with good hand-washing, it takes only a few norovirus particles — the most common cause of foodborne illness — to infect diners, the FDA says.

The U.S. Centers for Disease Control and Prevention found that workers touching food provided the most common transmission pathway for food-originated norovirus outbreaks between 2001 and 2008, the most recent comprehensive review of data available.

"It's an additional barrier to help protect the food," said Liza Frias, environmental health manager for the city of Pasadena and chairwoman of California's Retail Food Safety Coalition, which represents regulators and business groups. "You have everyday consumers who are looking for glove use."

The other barriers, experts say, are keeping sick workers out of the kitchen and

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ensuring strong hand-washing.

Major chain restaurants are used to gloves and generally shrug at this kind of regulation. The California Restaurant Association had opposed the bill until last year, when it recognized the widespread practice wasn't going away.

To higher-end restaurants such as Hock Farm, the mandate came as an irritating surprise. Sacramento's dining scene emphasizes using fresh, locally grown food as part of the farm-to-fork movement. And Paragary, the Hock Farm owner, says gloves would undermine the transparent kitchen-to-plate step his customers observe.

"You'll feel like there's a doctor back there preparing your food," he said.

Another Sacramento restaurateur, Randall Selland, calls the new law an unnecessary infringement on highly regarded establishments, saying it's better suited for fast food and production-line restaurants.

"If people get sick at my restaurant, they are going to stop coming," Selland said. "You have got to give restaurants some trust."

Many of the states with the bare-hand ban, and even the FDA model code, allow for exceptions. That discretion lies with local health agencies in California, and the potential for inconsistencies and added work for regulators and businesses alike has been controversial.

Food codes in Louisiana, Minnesota, Montana, Nebraska, Oregon and Wyoming encourage minimal contact but do not ban bare-hand contact outright. Lawmakers in South Carolina are considering a ban this year, while Tennessee plans to implement one by 2015.

Ravin Patel, executive chef at Ella near the Capitol, said he didn't notice much difference in kitchen procedures after moving in 2009 to California from New York, which has prohibited bare-hand contact since 1992.

But that doesn't mean the kitchen staffs in New York restaurants are always wearing gloves.

"It just becomes common practice that you don't touch food as much," said Patel, adding that New York restaurateurs found ways around the requirement. "When the health inspector comes, you slap on a bunch of gloves."

Similarly, many New York bartenders still work barehanded, dropping limes into gin-and-tonics but keeping a pair of tongs handy for visits by inspectors, said Aaron Smith, executive director of the U.S. Bartenders' Guild.

Smith also is managing director of the bar 15 Romolo in San Francisco. He says law-abiding employees cannot find an easy work-around for some mixology steps, such as fusing mints and herbs into his bar's signature, pricey drinks.

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"They are trying to get expressive oil into the flavor and smell of the cocktail, and you are lacing that with the smell of latex and powder" using gloves, Smith said.

A petition by bartenders calling for an exemption from the "disposable glove law" gathered 11,000 signatures and caught the attention of state Assemblyman Richard Pan, D-Sacramento.

The new law arose last year from the Assembly Health Committee, which Pan chairs. He's now seeking a do-over.

Pan, a pediatrician, said he and other lawmakers thought some eateries, such as sushi restaurants, could easily get an exception provided they showed good hygiene. But once the law took effect, it became apparent that some local inspection agencies were applying a blanket approach.

"It's not about whether you wear gloves or not," Pan said. "It's about how clean the surfaces (touching food) are. We need to have the conversation go back to, 'This is about food safety.'"

Even gloves can spread contamination if they are not changed regularly, said Don Schaffner, a food scientist at Rutgers University.

In February, Pan introduced AB2130, which seeks to repeal the new regulation and revisit the entire issue, perhaps to forge a compromise. The first hearing is set for Tuesday. Whatever that bill's fate, public health experts say getting businesses on board with the spirit and purpose of food safety regulations is just as important as passing new laws.

"The bigger picture is whether businesses know what the risk factors are and how to control them," said Ben Chapman, an assistant professor at North Carolina State University who has studied restaurant hygiene. "Having a policy doesn't mean it actually works ... Prove to a patron that your people wash their hands all the time and the right way."

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