

AGENDA MATERIAL

DATE 5/21/20 ITEM NO. RA4

From: Dan Bogert
To: Monica Perez
Cc: COB mail
Subject: ARA Comments on Revised May 19, 2020 Proclamation Regarding COVID-19 Safety Measures
Date: Wednesday, May 20, 2020 10:11:33 AM

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Hi Monica,

Here are our comments on the proposed Proclamation:

Comments on Revised May 19, 2020 Proclamation Regarding COVID-19 Safety Measures

The Arizona Restaurant Association greatly appreciates many of the important changes that are being made, including changing item 3 to a sign posting requirement which will help protect our staff members, the elimination of the reservation requirement (item 6), and the elimination of the cleaning log requirement (item 15). These changes will ensure our staff is not placed in dangerous situations and will keep them focused on sanitization and customer satisfaction rather than complying with posting requirements.

While the proposed changes are a vast improvement over the original Proclamation, we still have some serious concerns on a few items.

Item 2: In the same spirit as eliminating the documentation requirement under item 15, the Board should remove the documentation requirement for hand washing. Telling a restaurant that it must document each time a server washes their hands is overly burdensome and adds a barrier to handwashing, which should be encouraged as much as possible. Instead, the Board should consider having the restaurant adopt a hand washing policy instead of a documentation system.

Item 4: The Board should remove the requirement that county public health notices be posted on the restaurant's website. While we completely acknowledge the appropriateness of posting signs at the establishment, the requirement for website posting is inappropriate and will set up many restaurants for failure. Many restaurants, including franchisees do not control their website and are bound by franchise agreements, or marketing agreements that controls the content of these sites. There is no way for these businesses to comply with this requirement. Additionally, if the posting on websites was of such great importance, it should be required by all business types and not just the restaurant industry. The Board should refer to the original recommendation that physical or electronic signs be posted at the restaurant and eliminate the website posting requirement.

Item 6 (physical distancing): The recognition that bars and countertops can still be utilized with social distancing is greatly appreciated by the restaurant industry. However, the language may cause an untended consequence for couples or a group choosing to dine together. Currently the

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language requires “each” seat at a bar or countertop to be spaced 6-feet apart. This means that if I came in with my wife and wanted to sit at the bar, my wife and I would be placed 6-feet apart. Instead, consider using the following language:

“Physical distancing of 6-feet minimum between tables. Bar top or counter seating is not allowed unless parties are spaced 6-feet apart.”

This will ensure physical distancing while still allowing people choosing to dine together to be seated next to each other.

Item 7: (clearly marked 6-foot spacing): The Board should consider adding flexibility for different restaurant types. As currently written, every restaurant would need to have 6-foot markers in any hallway and restrooms. However, not all restaurants will need this to prevent customer ques. Instead, the focus should be ensuring areas where customer ques take place. For example, the counter at a fast-casual restaurant. Please keep in mind, it is hard to come up with a one-size fits all approach to restaurants because each concept can be completely different than the next. Consider having restaurants post a sign instructing customers to stay 6-feet apart at all times.

Item 12 (hand sanitizer and soap): The addition of hand soap as a viable alternative to item 12 is a greatly appreciated recognition of the supply chain issues and that hand washing is still preferred to the use of hand sanitizer. However, as currently written, the requirement states that soap must be placed at/or adjacent to entrances, restrooms, and employee work areas. Soap is already included in all restrooms and employee work areas but placing soap at the entrance is not functionally doable. Restaurant entrances do not have sinks available and in order to wash your hand properly with soap, running water is needed. Please consider altering this language to read:

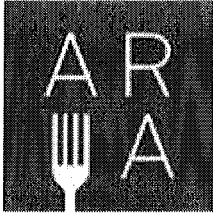
“Hand sanitizers available at or adjacent to entrances to the facility, restrooms and in employee work areas, or soap and running water readily accessible to staff and customers and marked locations.”

Section 5, C: Posting of restaurants that are unable to comply is completely unnecessary. In Section 1, paragraph E, the County has already established the “Pima County Best Practice Pledge Badge” award for restaurants that comply with all measures. The posting of those restaurant unable to comply is duplicative. I know the reasoning some have given is this is the same action taken against restaurants that have violations in their regular health inspection. However, the violations from a health inspection are based on the FDA Food Code, which undergoes rigorous reviews and updates and is completely data driven from the Federal Government, food safety experts, industry, and lessons learned. The same thing cannot be said about these rules being considered by the Board and it is inappropriate to conflate a violation under the food code to the inability of a restaurant to comply with newly adopted regulations that have not been as thoroughly vetted as the food code. Instead, the Board should eliminate this provision and rely on the “Pima County Best Practice Pledge Badge” and not public shaming.

Thank you very much for your continued work on these issues and as always, I am available for any questions or follow-up.

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