

**DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER  
PROTECTION (DATCP)**

**RETAIL FOOD SAFETY ADVISORY COMMITTEE**

October 21, 2022  
Kalahari Resort 1305 Kalahari Drive, Wisconsin Dells and Microsoft Teams Meeting  
9:00AM – 12:00PM

**Call to Order:**

Jay Ellingson called the meeting to order at 9:06 am

**Roll Call:**

Jay Ellingson, John Chastan, Brian Hobbs, Cheri Schweitzer, Kirsten Homstad, Susan Quam, Courtney Kempfert, Michael Nordos, Daniel Tew, Katie Roberts, Laura Temke, Julie Hults, Jessica Hoover, Wahajuddin Syed, Todd Drew

*Ex-officio:* James Kaplanek, Gordon Shea, Kara Paul, Carrie Pohjola, Jean Finger, Joe Meyer

Guests: none

**Additions to agenda/change of order:**

None

**Consideration of Minutes:** Motion to approve by Susan Quam; seconded by Brian Hobbs

**Public Comment/Input:**

None

**Disclosures and Recusals:**

None

**Membership Updates:**

**1: Subcommittee update**

(EMAIL FROM LAURA REGARDING FINDINGS OF SUBCOMMITTEE) Below is an overview of what it would entail to become an "official" council within DATCP. Please read through the information and be prepared to discuss on Friday.

As the Retail Food Safety Advisory Committee (RFSAC), we provide leadership in the field of retail food safety by assisting and advising the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) in establishing and achieving DATCP's goals, representing FSAC constituencies and identifying resources and solutions to challenges facing DATCP.

When you look at DATCP's core values, mission and vision they align with FSAC's purpose: a platform in which food safety leadership throughout the state can promote food safety through effective programs

and services to Wisconsin residents and businesses.

Looking to the future, it is paramount that we continue this partnership with DATCP. We must optimize the level of discussion and continue to identify resources and solutions collectively as a group.

One option is to become an "official" council or committee under DATCP. Below is a short abbreviation of what becoming an "official" council would look like. The DATCP Secretary has the statutory authority (s. 15.04(1)(c)) to create advisory councils and committees (advisory bodies) that the secretary determines are required for the operation of DATCP.

- Both committees and councils function to study and recommend solutions to specific problems in state government and advise DATCP. Committees are intended to have an end date, after which, they dissolve. Councils are intended to be ongoing in their lifespan.
- Because the authority to create advisory bodies lies with the Secretary, the Secretary gets to ultimately determine the scope of a body's business (i.e. the problem that it will study and recommend solutions to) and the role it will play in advising DATCP. The body is expected to stay within the parameters that have been set for it by DATCP.
- The DATCP Secretary has the authority to appoint the advisory body's members. The Secretary can delegate this authority to an employee. It cannot be delegated to the advisory body itself, though the body can make recommendations to the Department about who should be on the body.
- Assuming that the RFSAC would become a Council and have an ongoing lifespan, it would also need to comply with s. 15.09, which lays out specific requirements about Councils in Wisconsin government. These include:
  - Meeting at least once a year. But can meet more on the call of the (1) DATCP Secretary, (2) the Council chair, or (3) a majority of the Council's members.
  - The Secretary has to designate a DATCP member to serve on the Council as a voting member and the secretary of the Council.
  - The Council has to elect a chair and vice-chair at its first meeting of each calendar year. Those officers can be elected for successive terms.
  - Terms of Council members end on July 1 and begin on July 2.
  - The Council will need to submit an annual report to the DATCP Secretary on the Council's operation and its recommendations regarding the problems that it has been working on.
  - The Council is subject to quorum requirements.
  - The Council is subject to open meetings and public records laws.
  - Council members will be subject to the state ethics rules.

If the FSAC committee would decide to become a DATCP Council, then a DATCP employee will have to submit a plan to the Secretary for the Secretary's approval outlining the purposes of the council and how it will function. This would include identifying the problems that it is proposed to study, how the council membership will be structured (including whether seats are reserved for certain types of industry representatives, term lengths, and term limits), and how vacancies will be filled.

RESPONSES PER MEETING ATTENDEES: Big question is do we stay with DATCP or become an independent committee?

Why was RFSAC created? DATCP trying to meet Retail Food Standards, #7, relationships and outreach with partners. Open conversation with food safety partners to help create a better working relationship.

Susan Quam moves that we accept the subcommittee's recommendation (form a formal retail food safety council) and Laura Temke seconded the motion. Discussion – should we limit to only food safety? Name: Retail food safety advisory council – (reference email documentation from above). Has the DATCP Secretary been willing to appointing council members based on recommendations? Would we be more affected by lobbyists?

VOTE: all in favor, no one opposed. Motion moves forward.

## **2: Even number years voting membership seats are up**

Katie Roberts and Daniel Tew are seeking re-election. No other interested persons have made contact regarding these open seats. Jon Chastain made a motion to re-elect and Susan Quam seconded it. Vote: all in favor, none opposed.

### **Member Issues:**

#### **Conference for Food Protection (CFP) Update**

Jim: CFP is occurring in April. Issues are due January 23<sup>rd</sup>. This is regarding changes in the Federal Food Code. DATCP is a delegate and we will attend the conference and put forward those issues. Reach out to Jim or Carrie for assistance with submitting issues.

Possible issue: Meat products that have a special process and then ROP under meat license there is no shelf life. If done under the retail license there is a 30 day limit or 7 day limit depending on the special process. Why is there a difference in time? Can we have the same requirements to make it easier for industry and inspection staff.

Susan is an alternate on Council 1.

Carrie is on Council 3: reusable containers or reuse of personal containers. Working on a guidance document, but they are behind schedule for release.

Julie Hults is serving on the Issues Committee for CFP

Susan is on the Food Safety Management Committee meeting: requesting it become a standing committee instead of a council committee. CFPM Committee is submitting four issues at CFP.

Julie is on the CFP Sushi HACCP committee and they have completed their charge.

Laura is on the CFP Shellfish committee and they have almost completed their charge. Also on FSMS – this has been a slower process towards task completion.

#### **Other topics:**

Kirsten: Schools are being cited on their Food Safety inspection for non-commercial coolers. Are there any options besides replacing the equipment? DATCP does have an

equipment committee but a cooler would most likely be denied since commercial cooler options are available. Commercial equipment is the standard and required by code for storage of TCS foods. Non-TCS foods may be stored in residential coolers.

Julie: ROP for 7 days. Cold brew coffee, under refrigeration, HACCP plan and only good for 7 days. Other retail jurisdictions are giving a 3-month time-frame for cold brew. MFS has a 3-month shelf life – longer shelf life under manufacturing than under retail. Cold Brew coffee has a pH greater than 4.6 – so at retail it should be a 7 day shelf-life because it is considered TCS and must submit a HACCP/variance if wanting to keep more than 7 days.

Julie: issues with pop-up food service. Respiratory illness is becoming very common in retail food establishments, but this is a core violation per the food code. Also, ROP of fish concern over how to thaw. Food Code fact sheet language has been updated but still confusing.

Brian: complaints regarding shoppers with iguanas, snakes, etc as service/support animals. Stores are allowing in order to prevent confrontation. Any suggestions on how to stop this. We have the authority but large corporations may choose not to follow over concerns for social media backlash. There are limitations on what you can ask.

Cheri: I you have a three page menu do you need the consumer advisory on every page or just on the applicable page? As long as each food item is noted (\*) then there just has to be one reminder statement on the menu. It does not have to be on every page.

Jay: FDA traceability program at retail. Industry as a whole would have a hard time meeting this requirement. Technology doesn't even exist for this to be done. Also discussion on FDA and Food Safety Culture, what is it and how do you define it.

Susan: CFPs disaster preparedness model. National Restaurant Association also released a natural disasters prep guide. A Response to Food Safety presentation would be a great WEHA topic. AFDO also has an emergency response guidance.

Carrie: Julie Hults is the WEHA EH professional of the year! Congratulations

## **DATCP Issues/ Updates**

### **1. Manufactured Food:**

Jean & Jim: Gov delivery has been released on sesame to make industry aware of its addition as a major allergen on 1/1/2023

Manufactured Foods FSAC Committee is on hold, no timeframe has been set at this point.

Restaurant association has poster available of download regarding allergens for back of the house use.

### **2. Retail Food:**

Jim: WAMP (Wisconsin Association of Meat Producers) and secretary's office regarding meat and retail. To understand requirements and assist their membership. Meat plant with a retail section historically the retail section was not being inspected, so there was a gap that we are trying to address.

Otherwise, most focus in on the recreational side....currently updating Rec Ed and Pool codes, both at legislature. Lodging rule is set to move forward. All of these are causing the food code timeline to be pushed back.

Agent health department evaluations are also occurring currently.

There are still areas of the state with EH staffing shortages.

### **State Committee Updates:**

#### **1. Retail Policy Committee**

Working on a catering policy to allow food to be cooked/grilled at a catered event.

Farm retail food establishments with just a freezer on site – create a policy that states they do not need a mop sink.

#### **2. Handout Committee**

Since the July meeting we have updated the ROP fish fact sheet to include specifics on removal from packaging. The Demonstration of knowledge fact sheet was updated, as was the retail mobile food service and the small operators fact sheets. We also released a new fact sheet on retail construction guidelines. Committee members are Julie Hults, Eric Patrow and Kara Paul. Also, fact sheets are starting to be translated into Spanish. Another possibility to improve our fact sheets is to have a QR code on the fact sheet to link to the main fact sheet page.

#### **3. Equipment Committee**

Equipment with no other commercial option – reviewing as submitted, based on the equipment and how it is being used at that specific operation.

#### **4. Other Outstanding Committee work**

Risk factor work group is a 2-3 year process before we run another report to look at data. State inspectors still doing this during inspections. Add presentation as an agenda item for next meeting to provide initial industry feedback.

### **National Committee Updates:**

None

### **Legislative Updates:**

Susan: There is a legislator bringing forth a regulation for cottage food.

### **Action Items:**

**1: Guideline Review / RFSAC Council Subcommittee creation:** Current committee members, anyone else may join. Jim will reach out to see if there are any examples of submissions and bylaws to provide an initial framework. Our current bylaws were updated last

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year. Plan on having an update first quarter of next year for review by the entire group at the January meeting. Subcommittee will meet before the January meeting.

RFSAC will meet virtual and/or in-person; hosted at the Kalahari again!

**Future Agenda items & Dates**

Carrie will send out possible future meeting dates

Agenda Item: Presentation by Jim K on the Risk Factor study (30 mins) next meeting

**Additional comments:**

none

**Adjourn:**

Jay adjourned the meeting at 11:39 am.