

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION (DATCP)
RETAIL FOOD SAFETY ADVISORY COUNCIL

April 25, 2025, 9:03AM-11:58AM

Kalahari Resort 1305 Kalahari Drive, Baraboo and Microsoft Teams Meeting

Attendees: Cheri Schweitzer, Troy Sprecker, John Chasten, Todd Drew, Courtney Kempfert, Michael Nordos, Susan Quam, Julie Hults, Hsing-Yi Hsieh, Katie Roberts, Kristen Holmsted, Michelle Kussow, Daniel Tews, Ryan Bennett, Anthony Reams, Jessica Hoover, James Kaplanek, Sarah Scanlan
Excused: Jay Ellingson, Brian Hobbs, Krystal Martin, Chris Hinz

A. Call to Order: called the meeting to order at 9:03am

B. Additions to agenda/change of order: None

C. Consideration of Minutes: Small change Laura Temke's name was spelt wrong, adjusted spelling, **John motioned, Katie Seconded**

D. Public Comment/Input: None

E. Disclosures and Recusals: None

F. Membership Updates:

1. New members: received the nod from the Secretary, awaiting appointment letters to be signed. Once they are signed the letters will go out to invite them to the July meeting.
 - a. Katie Fuhrmann: meat industry
 - b. Lindy Wiedmeyer- grocery
 - c. Jeffery Bord
 - d. Danielle Baerwald
 - e. Amy Costello-Convenience store
2. Kristin will be leaving DPI, another colleague will be applying.

G. Member Issues

1. School Field Trips

- a. Outbreak related to field trips (farms, unpasteurized cider)
- b. Fact sheets
- c. Connection with FFA such as education with glow germ.
- d. How to build your own handwashing station education as an option through extension.
- e. Wiagtourism.com for an extra place to reach out

2. Avian Influenza

- a. Continuing to work with the federal government on testing regarding raw milk, cattle. Nothing is defined yet.

3. Artificial Intelligence

- a. AI policy is coming out from the state level. It is possible to use it, but each department needs to define their use of it. As it is written, it currently is not to be

- used until such a time that we get approval to use it. Distinction point is that if you are inputting data, that is strictly frowned upon. But if it is AI where you do a basic search, then that is not an issue. This is still being reviewed by DATCP Secretary's office.
- b. Anthony came across an article and how they are using AI in processing plants, such as lock out tag out, hand washing, even donning and doffing. Still seems a little way off for anyone on a smaller scale.
 - c. Some companies are pulling back from allowing the use of AI.
 - d. Some AI use is occurring through cameras, using facial recognition, or monitoring accident occurrence for trends.
4. Comments are coming in from operators that they haven't seen an inspector in two years. The concern that they are paying a license and not getting an inspection, and it is not DATCP, but rather in agent areas. Is this a trend that we are seeing in audits?
- a. This is usually because of staffing shortages. This is discussed as part of the evaluation. It could also be due to not providing enough staff.
 - b. There is concern over where the money is going if it is not going to support the inspection program.
 - c. How often is the agent evaluation? Every three years. There is also a self-evaluation each year.
 - d. DATCP encourages agents to have a back up plan in the event of loss of sanitarian or back logs. Regulatory is also struggling at the state and local level for staffing. Environmental Health is a small community.
 - e. How is the recruitment?
 - f. DATCP has been trying to hold several different events throughout the year to expose people to Environmental Health. We do have opportunities to have Limited Term Employees. WEHA was doing a presentation at job fairs.
 - g. Julie stated that she has contracted with the state and City of Racine in the past. They are fully staffed currently. They also have some that have their staff with associates degrees that are long term employees
 - h. Reminder that now is the time to hire if you have open positions as there are a lot of experienced people out there.
 - i. Has anyone had experience with internships? Hsing-Yi said they are hiring one now. Julie said that they have interns in their department, and they offer student shadow opportunities.

H. DATCP Issues:

- 1. Conference for Food Protection was different with Federal partners being virtual only.
 - a. Take aways, but there were over 120 different topics.
 - b. FDA may take a holistic approach to TCS foods.
- 2. Cottage Foods: DATCP filed a motion with appeals court. Appeals court sided with DATCP, which turned over to just the home baking ruling (no addition to non-TCS foods).
 - a. Plaintiffs appealed to WI Supreme Court.
 - b. Supreme Court declined to take the case.
 - c. DATCP will work with DOJ on next steps based on the ruling.

- d. Key point is Plaintiffs have a 90-day window (75 days more as of this meeting) to appeal to US Supreme Court.
 - e. Original home baking rule: It must be a home baked product that is non-potentially hazardous that is made in the baker's home kitchen and sold directly to consumers.
 - i. Gray area for cream cheese frosting, buttercream.
 - a. Example of a cream cheese Danish and the food item passed.
 - b. Bread item did not pass the water activity, but they worked on the chemistry of the product with the vendors and bakery association. With a small change the bread item ended up passing. It also extended their shelf life and created a softer product.
 - ii. Water activity meters and pH meters are becoming more affordable, allows operators to determine whether product is time and temperature controlled for safety (TCS).
 - iii. These meters used to be more expensive in the past when the cookie bills went through.
 - iv. The Department website is updated for information.
3. Food Code Updates: Jim is scheduled at the May board Meeting to present and obtain approval for the scope statement for the fee package. Public hearings were held at the end of March. Received no comments on the public hearings with four locations and a virtual option. The scope at this point is just fees, not the food code. Jim anticipates that the board will approve it. Shortly later in May/June Jim will probably bring a committee to have a discussion about fees. There are some hurdles that we must address. That may determine how long the process takes, when merger happened with DATCP, some statutory authority got lost in the shuffle, as an example the specific authority for pre-inspection was lost for retail. Fee section in the statute is very antiquated and needs to be updated. Will need some champions to move that forward if that is the will of the committee. Those types of issues will impact how long it take us to get the rule done. Will show the current budget, show how much time is being done on retail inspections and what the gap is. There will be more than one model presented. There is the question of does the statute need to be updated? When the department is $\frac{3}{4}$ of the way through that process, Jim will submit for Food Code (Appendix). Food code is about 8 years behind. Biggest hurdle will be Certified Food Protection Manager, and meeting what FDA is asking. How can this requirement be implemented on a smaller level?
- a. There have been other additions made, too. Such as plan to implement emergency plans for operation (no power, etc.).
 - b. Will FDA still update the Food code for 2026? As of now, yes.
 - c. The idea was suggested to stair step the requirement for CFPM.

4. Make sure that you are aware there is a grading bill, LRB-251613_P2, for inspections and DATCP have been asked to comment on it. It is in draft, and the author is seeking DATCP's input.
 - a. FDA has ten years of data on grading, and FDA has not shown any decrease of risk factors based on the data. Michael offered this information from their statistician.
5. There has been a pause on the implementation of the traceability rule. DATCP is continuing to have an internal workgroup to work on solutions for implementation.
6. Last year DATCP was asked by WAMP to put together inspection presentations. There are four presentations posted on DATCP's website.
 - a. Retail License requirements
 - b. Equipment and CFPM
 - c. What to Expect from a retail food establishment inspections
 - d. Variances and HACCP plan requirements
7. Rebranded the website. There is now a section for inspection preparation for each program area. Requested by Wisconsin Campground Association, and department decided to make one for each program.

I. Manufactured Foods Update:

1. FDA is making quite a few changes due to budget reduction, and this is having an impact on the manufactured food section but maintaining all partnerships with FDA (Standards program, contract, Rapid Response efforts). The partnership looks different and will continue to look different next year. DATCP is committed to the partnership. Do not know what changes that industry will see at this time. Industry wouldn't see much in regarding changes to their program (Manufactured Food presence).
2. What changes could happen: FDAs engagement, not state engagement, not changing licensing (cost or anything along those lines).

Break 10:27-10:37

J. State Committee Updates-

1. Retail Policy Workgroup-

- a. Reviewing current policies, guidance documents to verify if they are still needed or need to be updated
 - ii. Special Organization serving meals document is being revised.
 - iii. CFPM policy: If found operating without for more than 90 days, then the fee is initiated \$150 right away.

iv. Issuing a Conditional License Agreement Standard Operating Procedure (SOP)

v. Inspection Documentation SOP

2. Handout Committee Updates

- a. Updating Handouts continuously and updating many into Spanish
- b. Contaminated water fact sheet was sent out, part of a document created by AFDO
- c. Employee Illness decision guide was updated

3. Equipment Committee Updates

- a. Rush on freeze drying equipment lately
- b. Concern over the retailers wholesaling freeze drying because of the limit on sales and labeling
- c. Request for a wholesale fact sheet as a retailer

4. Other outstanding committee work

5. Risk Factor workgroup

- a. This was the year DATCP was supposed to rerun the data to see if there has been an improvement on hand washing. We are between two systems, and we are unable to run the data with any confidence.

6. National Committee Updates

- a. There are no national CFP Committees right now as they are being reformed.
- b. Regional FDA meetings were cancelled.

7. Discussion of submitted issues to Conference for Food Protection (CFP).

- a. Huge celebration for WI. WI submitted six issues. All were accepted or accepted as amended.
- b. Still up to FDA.
- c. Submitted manufacturer's cooking directions for the food item
 - i. Requested to reevaluate that requirement and see if there was an easier way to implement
- d. Jewelry
 - ii. There is currently no jewelry unless plain band wedding ring or medical bracelet.
 - iii. People are now doing medical readings through apple watches. This was accepted as amended. Kept clean and worn in a manner that prevents potential contamination.
- e. Plant food cooking for hot holding
 - i. Suggesting that they include fungi, roots, legumes, tubers and grains

- ii. Asked for a committee to explore more with regards to mushrooms to identify species that require cooking and what the temperature parameters are
- f. Long come up time with smoking of meat products, USDA code only goes up to 6 hours
 - i. USDA admitted that there is a gap in the come-up time in the research
 - ii. A letter from CFP will be sent requesting research for USDA in that direction
- g. Issue under time and temperature control for table A & table B
 - i. Which table should I use?
 - ii. True requirement in Table A is that it is a hot held package
 - iii. Request that the table specify the foods must be 135 degrees or higher
- h. Time and temperature control for smoked fish
 - i. Manufacturer indicates product must be at 38 degrees, but at retail it is held at 41 degrees.
 - ii. Cannot note it because code requires 41 degrees. Asked FDA to include a section in cold holding "if manufacturer states must maintain at 38 degrees, then must maintain at 38 degrees".
 - iii. Council recommended any ROP fish that manufacturer requests at a lower temperature must be kept at that temperature.
- i. Other CFP issues
 - i. Allowance for loose fitting gloves as a utensil
 - a. If you use this process, you are not required to wash hands
 - b. Lacking consistency across jurisdictions
 - c. Tight fitting glove, then loose glove
 - ii. Requiring that the employee illness policy be written and be required on site
 - iii. Asking for a separate section in the code for rehydration and dehydration
 - iv. Banning of latex gloves and food handling
 - v. Hand antiseptic use during emergency situations
 - vi. Variance section 3-502.11: If reducing water activity to render it non-TCS then that would be potentially a reason for a variance or a HACCP plan.
 - vii. Allowing an option under cooling for individuals to use shallow pans not more than two inches in depth as your cooling method, and then it does not matter the container, assuming the cooler is maintained at 41 degrees or below. Oregon has been doing this for over 30 years (implemented after they had many *Clostridium perfringens* {CP} outbreaks). They cut their CP

outbreaks to almost nothing. MN also did research using this method and presented at WEHA.

- j. Congratulations to Julie, cochair of the plan review committee.
 - i. Plan review committee was disbanded
 - ii. Allergens was a big recurring discussion. There is going to be a new committee formed that puts together guidelines that wish to be allergen friendly (in relationship to plan review).
 - ii. Changes in what happens to changing rooms and trash can lids in changing rooms.
 - iii. A lot of discussion on Food Safety management system
 - iv. A lot of discussion on training module for sanitarians, like a pyramid. Moving away from only doing FDA training. Looking at shortening the number of opportunities they offer but expanding it to and individual health department getting their training approved.
 - i. New staff
 - ii. Middle/specialized
 - iii. More specialized
 - v. Harvard was there and submitted an issue. There is going to be a committee on food donation. To help clarify food donation, for example prepared foods. Committee will work on comprehensive resources for food recovery programs.
 - vi. CFP is operating at a quicker timeline. Window is now open to apply to be a member of CFP and be on a committee. That will close soon.

5. Legislative Updates

- a. Susan says they are still working on the cottage food bill.

6. Action Items:

Next Meeting: July 25, 2025.

7. Adjourn: Hsing-Yi Motioned, John Seconded

Adjourned at 11:58PM