

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

October 24, 2025,
Kalahari Resort 1305 Kalahari Drive, Baraboo and Microsoft Teams Meeting

Attendees: Jay Ellingson, John Chasten, James Kaplanek, Brian Hobbs, Anthony Reams, Susan Quam, Cheri Schweitzer, Sarah Scanlan, Jeff Bord, Amy Costello, Katie Fuhrmann, Billy Klabunde, Danielle Baerwald, Lindy Weidmeyer, Chris Hinz, Brian Jorata, Adam Brock, Amy Costello, Courtney Kempfert, Danielle Baerwald, Caren Johnson, Katie Roberts, Ronesha Strozier, Susan Quam, Ryan Bennet, Krystal Martin, Chris Hinz, Jessica Hoover

- A. Call to Order 9:06am**
- B. Additions to Agenda**-None
- C. Consideration of Minutes** John Chasten motioned, Seconded by Cheri Schweitzer, all in favor.
- D. Public Comment** (The committee requests comments be limited to five minutes or less)
 - 1. Billy Klabunde-hosting 8-hour awareness training occurring January 29th, Training reviews construction on occupied facilities. How construction should be done in food facilities to control contamination during running facilities-for contractors and end users; flyer will be provided
- E. Disclosures and Recusals**-None
- F. Membership Update(s)**-
 - 1. Jim is still waiting on final approvals for two council members for Madison/Dane County and DPI. Both are invited to attend the meetings.
 - 2. Caren introduced herself. She's a Food Safety Specialist and was in School Food Service prior to her current role.
- G. Member Issues** (Members can bring forth issues to the committee of concern)
 - 1. Representative of Milwaukee has a bill that he wants to push through, Labeling of lab grown meat, labeling very specific ingredients, and food grading. Anthony would like to know if we are aware. Susan had a long conversation and had talked the representative out of it, but then he reintroduced the bill the next week. Rep Moses did sign on to that bill, and he is a champion on that issue. Susan is aware of the other two bills, and a huge coalition on the labeling bill on ingredients banned in other countries (on menu and on packaging). Authors of that bill know that it is not going to go anywhere. Purpose of bill introduction is to force manufacturers to have a conversation. Adam Brock-There are some comments on the bill that are incorrect. Susan sent own letter encouraging people not to sign on in sponsorship. Was there a bill brought in like this in Texas? Susan: yes, Louisiana did try and quite a few other states that are trying to initiate bills in

line with Make America Healthy Again (MAHA). Lots of stuff happening in the Capitol relating to food. Susan will talk with the THC stuff when we get to legislative. The lab created meat has changed since the last session, looks like just packaging and not on the menu labeling. Susan had spoke with them on how it was unworkable for industry. So late into the session (out by 28th of February), everyone is putting out a lot of bills.

2. Avian Influenza-AB Stakeholder meetings with Dairy are being held. 20K, 11K tests, not finding any Avian Influenza. Doing as close to 100% testing for 3 months, have now dropped to 50% testing (of samples). Continue to run that through the end of the year and keeping an eye on it given migration season. No updates there, and those meetings have been quiet but stay in touch with diagnostic lab.

Poultry issue- Pullets, cleaning the barns and restocking the pullets. This has gone smoother than last time and there is now a better understanding. Slowly coming back online. Difficulty is multiple states getting hit. Can provide more of an update through email, but there are stakeholder meetings for that group. There will be an update to the board as well. Is DATCP or USDA been working this (Jay)? AB DATCP is working with USDA. We are not getting 100%, but getting 80%. Continue to be an issue and we run into this every migration. Our group has spent a lot of time discussing upgrades to biosecurity. Such as secure milk and egg supply.

3. Artificial Intelligence-None
 4. Cheri-Question for DATCP-Clarifying what is wholesaling and what is not wholesaling. Jim K: From central kitchen to same licensee retail is not wholesale, it is internal distribution. RPT will be discussing the wholesale doc; Sarah will ensure Internal Distribution makes it to the definition
 5. Jay-Reminder for Council members to complete Public Records Training by **November 14**.
 6. Jay Supply Chain: Kwik Trip had their in-service and had a of regulatory people and industry (including suppliers). Everyone is seeing challenges: quality issues, foreign material. Adam B: There is a loss of understanding in what quality means. Food safety culture has been good, but have lost a lot of the quality tools training. Must understand both to get to that food safety culture. Jay: Food safety baseline, quality is what “sells” the product. Reaching out to suppliers to let them know that what is being seen. Jeff- Suppliers are being pushed to produce. Adam: Can’t see the micro or the chemical, but you CAN see the foreign physical. Example of even with detectors things can get through (metal detectors can’t detect wood). One bad experience can impact the brand/commodity.
- Jay: Example of items that are not found in ingredients, it isn’t the item you think it is (ex: golf ball, crayon, wedding ring).

Katie: Do certain things need to be held accountable? For example: golf balls in raw materials? It's another thing to follow up on, too diluted. Too much to follow up on.

Anthony: We've dropped suppliers due to blown out boxes or trucks overfull and product temps are too high because units are freezing up. This is despite best prices.

Jay: Top performers rise to top, it may narrow the supply chain

Susan: Because we don't have who is in the boardroom (video doesn't work with new method) and who is live. If people could say who they are.

Quick introductions done to allow everyone get to know voices.

Adam: Is anyone proactively working on a group around supply chain practices? Is there a broad cross functional group?

Jay: I think that is a great idea. I don't know of anyone out there. There is a small faction in convenience, grocery, and fast service.

7. ATCP 75: Jay: Dealing with 4 food codes at one time, advocating to go with an update to the food code. Susan is also getting a lot of pressure for an update to ATCP 75. Susan seconds the support. Cheri: Nice to see that people are for it updating.

H. DATCP Issues/Updates

1. Manufactured Food-Krystal Martin:

- a. In the midst of navigating contracts for food inspections despite the current government status. Continuing to build capacity and completing more non-contract inspections in addition to scope and contract inspections. Always focused on risk, and love the opportunity for PC inspections as they look at all the factors. Manufactured foods looking at adjusting inspection report itself.
 1. Retail and Manufactured foods are set up differently: Retail observation focused, Manufactured is narrative focused. Trying to minimize narrative to shift to most important items for operators.
- b. Focused on streamlining processes to focus more on risk.
- c. Ryan: Focusing on supply chain issues (preventative control) as well such as looking at Hazard analysis for ingredients. Finding a lot of variances (hazards are not covered by Certificate of Analysis {COA} (random sampling). May get that ingredient from 100 different places.

Encouraging a lot of testing. Vast majority of recalls are from ingredient manufacturers rather than those being inspected.

- a. Jay: Is there an update for the Manufactured Foods Council? Ada: The team has been doing a great job. (We) Have a Produce council that we are trying to morph. Trying to take produce council to manufactured foods council, but this is more difficult now that policies have been updated. What happens if overtime less people are involved? In favor of committees and will make it work. Timeline is undetermined. As we get in rules, would like to see a committee formed. Katie: Could it be that each committee is reporting to one council? Many on this council are probably on other committees, would this provide less work?
- d. Adam: Councils require annual reports. (Policy 105) Produce Council acts more as a committee. If we want an external group, be ready with documentation and ready to go with strong members, and yes, we can take it with people supporting for the long term.
- e. Jay: Thank you to Krystal and Ryan for their work on the council.

2. Retail & Rec Updates

- a. Adam: We have been finding falsified documents, as food safety testing for at least two years has been forged. The lab was out of business during this time, and eventually the operator did admit it. The license was pulled. Operator did request another license-denied. Requested a third license-denied as operator doesn't make those products.
- b. The second one was an active lab, but the results were truncated. Were told that they were at risk for losing license if found again. They admitted it day it was found.
- c. A tanker tag was falsified in Dairy. Processor caught it and notified DATCP.
- d. Adam was at the lab association conference, and the laboratories are considering watermarks and other security measures to prevent these occurrences.
- e. Seem to be getting feedback for industry, talking to plant owners, trying to look at situations broadly.
- f. Another win for the team-some staff have had fleet vehicles that have been around for years. The vehicles were dying, overheating in the middle of the road, and were able to replace some of those.
- g. Jay: Laboratory results that have come back inconsistent (not repeatable and reproduceable results). One lab that was used in the past (smaller lab) seems to not be present. Adam: Key tenant for labs is reproducibility. Chemistry has been thrown under the bus for mirco in

food safety for years. Food chemists or lab analysts may be less trained or doing many assays.

- h. Jay: also, many are going to Pharma.
- i. Adam: There is a shortage even on the wet chemistry side.
- j. Jay: not worried on the micro side, it's analytical chemistry.
- a. Adam: Look where everything is heading, transparency with ingredients, or chemistry (PFAFS, other chemicals).
- k. Jim: This will be my last RFSAC meeting. Never thought in 2007 that 20 years later, would be surrounded by such a wonderful group that are focused on food safety. I think we are in a good place to move this forward well into the future. We have people on the council that will make sure it continues to move forward and functions. The right people are having conversations. I hope this is a legacy that I have passed on. Thank you, thank you all for participating.

3. Two exciting updates:

- a. Midwest Food Standards Network: kick off meeting this week. All different states: Ohio, MN, IL, IA. To share resources for working on Retail Standards Coordinator. Sarah has signed up and is already connected to participate. First meeting will be in January. West coast and East coast have well developed Standards Networks and realized that Midwest was lacking coordinated effort. It's about sharing resources. Part of Standards is that once a jurisdiction has "met" that standard, it must be verified/audited by another jurisdiction. FDA does not audit. In WI, we do not take money or grants to support the standards but have made the commitment to the Standards. We don't currently meet all standards. Meet standard 7, working on 6 which is Compliance. Working on Standard 2. Public Health is not as good at documenting what we do. We are doing a lot of the right things, just can't show someone the procedure. It's been a good process to overall try to improve the program.
- b. FDA also is going to host a series of Standards meetings to attract more of the agent programs to sign onto the standards.
- c. Running into a situation in the field where it almost looks like they are conducting a canning operation on the retail level. Mainly dealing with coffee type products. There is equipment that seals a lid right onto the container. There are many different variables. In many cases requesting they apply for variance, and possibly a HACCP plan. This was found through a piece of equipment sent to the Equipment Committee. Usually commercial equipment available, won't approve the non-commercial equipment. Fine line between what can I do at retail, and

what is considered canning under manufactured foods? Is the equipment drawing a vacuum? Is the product TCS (Time and temperature controlled) or not? What is the process going to be. If a product is sealed, packaged and kept under refrigeration (not canning). If shelf stable product push to canning realm. Many variables and ways that this could go. TCS and reduced oxygen packaging then need a HACCP. Our process moving forward is requiring variance to have an opportunity to review it. To do this at retail, must be properly labeled and a “keep refrigerated” statement. Will also require a seven-day shelf life. Encouraging inspectors to get this to technical specialists. One processor we are dealing with is called Cloud Candy. This individual reached out to DATCP to make sure they understand what the right process is right away.

Break 10:30am (Ten minute): 10:40 resume

- d. Katie F: Believe this was a meat facility, and heard about it from inspector. What can be done to help support training for the plants? Maybe a meeting with the University and the inspection program? Is there a possibility of taking this situation and getting it to every front-line inspector with a video: this is how you take your sample? Consistent training message, and break down barriers for new or old inspections. If something really good can come out of this, begging to have some resources to come out from this.
Jim: Adam had to step out, but we will capture your comments, and will share it with Adam. It's a situation that happened, but hopefully we can move forward from that.
Jay: Bad things happen, but what we can learn from it and get better.

I. State Committee Updates (Section Manager, Retail Food and Recreational Technical Section or designee)

1. **ATCP 72** Jim: finished rulemaking in ATCP 72, January 25 effect. Frees us up to work on the next rule which is ATCP 75 which we will have our first kick off meeting for that next week: October 30. That will be an introduction, process moving forward, scope statement. Sooner we resolve that then we can move forward on ATCP 75 entire rule and WI food code. Jim wants to echo Susan and Jay. When the wheels move slow, then things can get backed up (ex: merger, COVID). Some sections may only have one rule, but this program has five different rules, and can only handle one rule at a time. More than four years behind. The last food code brought us to 2013, 2017 wasn't out at the time. A lot of foreseen changes from Conference for Food Protection (CFP), such as USDA reviewing cooking temperatures and cooling

changes. We have some big decisions to make as a state regarding Certified Food Protection Manager (CFPM) on site at all time. FDA's risk factor studies have shown that having a CFPM on site at all times results in a 50% reduction in risk factors. Larger facilities may be able to accomplish, smaller may be unable to accomplish. What does that mean for WI? Probably the biggest discussion moving forward. A lot of the changes are good ones, but don't see a huge impact, but CFPM will be an issue that we will need to discuss.

Susan; that has been the elephant in the room in other states as well. They have all approached the small operators and been able to achieve it. I think those are a lot of strategies that can be used. Wisconsin Restaurant Association (WRA) will look forward to having the ability to have that discussion.

Jim: 75 discussion next week is really just on fees. Discussions outside of fees, please hang on to it because the next time we open up the rule, that is when we will have all of those discussions. Have always felt that there is a vested interest and commitment because industry was part of the process. A really good rule is made when industry helps make the rule. The regulators and industry need to speak the same language. The first one is fees, and there will be some discussion on fees, and will bring pre-inspection to light as that was lost when the program moved from DHS.

2. HealthSpace Updates

- a. Brian Internal Ops Manager: HealthSpace Gov Tech developed a new cloud program 5 years ago. State of WI transitioned to using that application last year before renewal application. Was able to utilize QR code for applications and renewals. 5% increase in online applications for both years.
- b. Waiting to roll out for most, as there are some critical functionalities that need to be in place. Example: Calendar functions for sanitarians, application pieces, auto renewals.

3. Retail Policy Workgroup: Reviewing 100's of policies and putting them on rotation for review and updating. Also going through the process of SharePoint migration. Current SharePoint is going away, and a cloud version is what we will be migrating to. Agency really encouraged us to use SharePoint. Now there are over 500,000 documents on SharePoint. It will take a long time to move them. All documents must be reviewed to determine what to do with these documents. Silver lining is that it will give us an opportunity to restructure how things are organized in SharePoint. There wasn't one in the past. If access is not easy, no one will use it. Having a nomenclature will create consistency and increase ability to find documents will be beneficial.

4. **Handout Committee:** Cone Meat Fact sheet was recently translated into Spanish. There are staff shortages in the approval process at the Secretary's office. Constantly going through those fact sheets as well as any request for fact sheets. Encourage people to let myself (Jim) or Sarah know if there are suggestions.
5. **Equipment Committee:** Canning machine as mentioned before is the biggest thing that made its way to our desk. They updated the equipment brochure on the DATCP website and an updated smoker guidance.
6. **Other Outstanding Committee work-Risk Factor Workgroup-Jim Kaplanek** Final Report from the risk factor study. Decided to run through a trial with restaurants, and in the final stages of that risk factor study Unfortunately, we are transitioning to our new inspection system. Data cannot be pulled from that system at this time. Sarah will have to keep on top of that to run that final data report. As soon as we have access to the report we can see where we are at. The risk factor we focused on was hand washing. Provided multiple different posters and dedicated 5-10 minute conversation to the operators. Do they have monitoring for employee hand washing, how do they address hand washing (HW) issues when they discover them, How do they feel they are doing at HW? Specifically targeted because HW was one of the top observations and continues to be a cause of foodborne outbreaks. What is the magic bullet to turn that around?
7. Cheri: One of her clients had a greasy fire, sprinkler system worked and fire was put out. It was a lot for the operator (insurance, fire, etc.). Cheri provided hand out. Thank you to the Handout Committee for that.

J. National Committee Updates:

1. A lot of the CFP Committees are just starting to get together
2. Susan: The committee that is looking at overhauling CFP guidance on food donation and removing some of the barriers is diving in. Really important work moving forward to encourage food donation over destroying and wasting it. It's going to be an important product that we are producing.
3. Lindy: On the Food Safety Culture at Retail Committee and Program Standards (standard 5) Committee: working on a survey to find out what the barriers to meeting that standard is.
4. Jay: Does the private sector continue moving forward while regulatory partners are unable to participate?
5. Jim: yes, a lot of work was done at CFP when those partners couldn't attend. I think there are a lot of experts in their industry and continue to move forward.
6. Susan: Everyone is just moving forward. Will not stay on time if they wait for FDA, and they (FDA) are not voting members.

K. Legislative Updates

1. Jim: what is that status with service animals?

Susan: AB 366 & SB 327 state senator Rachel Gabral Cabrera: Put out a bill on service animals: Relates to service animals specifically and emotional service animals. The definition meets ADA and requires that the DWD put together a poster for businesses to post in their establishments that misrepresentation of an animal as a service animal is now a crime and has a civil forfeiture. It also addresses emotional support animal and housing in support of accommodations Passed assembly and has not been heard at senate. It will have a committee vote and make it to the senate floor if they have one more session before Christmas. They do anticipate the bill passing the senate. Have not met with Governor yet on whether he will sign it. Disability/rights coalition is neutral as they don't think it is worth the effort. WRA believes by putting deterrence in there, it will help operators cut down on misbehaving animals in their establishments. Industry worked hard to develop policy for dogs on patios (with DATCP) to alleviate this problem. Showcase that industry is pet friendly.

ADA is specific that certification is not required. Is the animal trained to do specific tasks and what are those tasks?

John: Another issue is allowing police dogs in the hotel and there is documentation for that. Susan: that is a separate bill relating to search and rescue dogs. Those dogs do have their own system of certification.

John: ADA rules haven't been updated in 20 years.

Susan: Fines don't come into play until something bad happens. Example: non-service dogs biting service dogs.

It is difficult for facilities to address as you can only ask so many questions, and even if the animal is not behaving as a service animal, you cannot ask the person to leave.

Jay: can you send actual bill numbers to Sarah?

Susan: ADA and Wisconsin laws are different. ADA: dog horse/ WI: any trained animals

2. Susan: (LRB 4863) Has a 200 page bill on regulating THC in food. This is a bill 9 months in the making which would put THC products into a three-tier system which mirrors alcohol regulation in WI. Tier 1 manufacturer, 2 wholesaler, 3 retail. Very little cross reference between them. A lot of manufacturers have direct sale, and if this bill passes, they would need to work with a wholesaler. IT would rename the Dept of Revenue Division of Alcohol Beverages to Division of Intoxicating Products (DIP). Very comprehensive bill. Restaurant has very little selling of any products other than THC beverages and to get Dram law protection just as we do with

alcohol. (Liability laws=Dram shop laws) This makes insurance liability possible. This bill includes tinctures, gummies, etc. Sets the age at 21 and there are two competing bills. Sets the serving at 20 mg maximum, and one serving per package. No bill number yet. Senate sponsor Senator Winberger (mom owns candy shop) (GB area) Rob Swearingen (former restaurateur in Rhinelander). DATCP is only mentioned once in the bill is that DIP would contract with DATCP relating to the food safety aspect to all the food produced in the state. Limits what products that can be sold in WI but does not limit manufacturers selling to other states with different regulations. This would still allow them to manufacture these products.

Danielle: Does the bill encompass any licensing such as responsible serving (like serving for responsible alcohol serving)?

Susan: No, refers to responsible alcohol serving program. It does not require a separate training program. If you are already a class A (off premise sales) or Class B (on premise sales), you do not need any other license to sell these products because you have already proven that you are capable of selling these products through alcohol. If you don't have a license currently, but want to sell, then you will need to apply for a license.

John: Do you know if the law addresses source of the THC?

Susan: Yes, it does require that the product come from certified growers and goes back to the farm. There is no "cottage food hemp derived THC". This is for everyone in the industry now. Two competing bills: 100% ban on any hemp derived THC products, then a bill that puts a 21 year old restriction on it. Last day to sign on is today, and anticipate that this will be jacketed (prepped to introduce no later than Monday). Chair said he wants to have a hearing as soon as possible and anticipate that it will be moved forward before the holidays. From a food safety most important thing is all ingredients from an approved source. It will be regulated by Dept. of Revenue.

Jeff: Any more discussion on grading?

John: There is a bill active for it

Susan: There is a bill that would require DATCP to develop a grading system. Haven't had a chance to talk to the committee yet to discourage that. Rep Goodwin has been a victim of FBI twice and truly linked to two confirmed outbreaks (not even in WI), and so very interested in this area. Few sponsors on the bill. He is a freshman legislator. Don't think there will be a courtesy hearing.

L. Action Items

1. Public Records Training for the Council by November 14

2. ATCP 75 Fee Meeting (Thursday)-Jim will be on vacation in November but desire to have a meeting in November to continue discussion. Jim will be back in December.
3. Talk to Adam regarding training for meat
4. IT adjustments with webinar
5. Quick turn around on agenda due to Sarah's leave of absence.

M. Future Meeting: January 23, 2026 at The Kalahari

N. Adjourn 12:06PM