

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

April 21, 2023

Kalahari Resort 1305 Kalahari Drive, Wisconsin Dells and Microsoft Teams Meeting  
9:00 a.m. – 10:39 a.m.

**Roll Call:** Jay Ellingson, Cheri Schweitzer, Anthony Reams, Bonnie Koenig, Hsing-Yi Hsieh, Laura Temke, Michael Nordos, Carrie Pohjola, Todd Drew, Brian Hobbes, Jim Kaplanek, Courtney Kempfert, Troy Sprecker, Amy Millard, John Chastan, Susan Quam, Reed McRoberts, James Beix, Andrea Northwood

**Call to Order:** Jay Ellingson called the meeting to order at 9:00 a.m.

**Additions to agenda/change of order:** None

**Consideration of Minutes: Hsing-Yi Hsieh** – Pg., 2- Member Issues, Poisonous...- “If it wasn’t in the Code, you CANNOT write it. Change to ‘cannot.’” Carrie made the change. Brian Hobbes made motion. Laura Temke seconded. Group voted with a thumbs up. Approved.

**Public Comment/Input:** None

**Disclosures and Recusals:** None

**Membership Updates:**

**Subcommittee update: Laura T.** – Are we proposing the same number of positions in the new committee as is now? Same organizations/trades/industries? Jim suggested that we simply put together a “best effort” draft and go from there. Laura has created drafts. Subcommittee will meet to decide on the final draft to provide to the committee on the whole for review. Will send prior to July meeting and review then.

**Carrie P.** – Welcomed Anthony Reams to our group. He is taking on the roll for Wisconsin Association of Meat Processors (WAMP). Anthony is the HACCP manager for his family business, RJ’s Meats & Groceries (Hudson, WI)

**Member Issues:**

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

**Carrie P.** – AFTO sessions. Hot topics getting a lot of discussion- Counsel 3-TCS Foods-cut, comminuted, diced, etc. food to be considered TCS. **Jay E.**- What are they asking for?

**Mike N.** – All produce is TCS if it’s cut.

**Jim K.** – Cut, chop, dice, etc. it’s going to be considered a TCS food at that point.

**Anthony R.** – Would inspectors need to be trained for this the same as meat processing?

**Carrie P.** – The training is the same but different. Meat world doesn’t do TCS “food.”

**Member Issues Cont'd:****Conference for Food Protection (CFP) Update cont'd – Carrie P.****Additional Issues Being Brought**

- ROP of fish: does it need to be split or removed?
- Creation of a committee to talk about heat-treated. Carrie proposed we hear the issue on raw agricultural product first, as it may affect.
- Cold brew, sea moss, and sea gel have exploded over the past year.
- Impermeable- what is the definition? At what point is it impermeable?
- Counsel 1- Explosion of e-commerce. We get questions on how to shop, store food, when is it under the control of the store? We've seen a lot of areas that have been remodeled to meet these requirements.
- Test strips-Any time there's a test method required, test strips indicate an expiration date if they are to be used. Disposed of after expiration.
- Clean up for vomiting and diarrhea- in Wisconsin, it's not as clear, but we haven't adopted the Annex. For us, it's more of a recommendation. We are tweaking that to spell it out better.

**Susan** – Folks on Counsel 1 will likely be modifying how this policy is written.

- Counsel 2 has lots of issues going on and Carrie hopes to watch those sessions.
- Carrie will be submitting the safe use of personal containers- how does that work and look? We have a definition of "reusable", Code language, and guidance document. Possible third-party provider to wash, rinse, sanitize. Counsel 1 was dealing with the third-party issue.
- Carrie shared that we can go to CFP website and see the issues and submitted docs.
- All the CFP attendees from this group will try to connect at CFP.

**Susan Quam** – Counsel 1- Issues relating to allergens regarding changing things at the federal level. Cross contact definition. Issue of sesame being purposefully added. Establishing written procedures for managing events- recommending food workers become first responders.

**Hsing-Yi** – Food Safety Management Committee. Suggestions for moving definitions from Annex to Food Code and creating this new committee is proposed.

**Jay E.** – Brought up the issue of Food Safety Culture and where that is going. Believes it's going to be more prevalent in the future, but the definition is somewhat nebulous right now.

**Jim K.** – Changes regarding program standards:

- Changing standardization frequency of staff from three-year to five-year. A lot of buy in for that.
- Add to curriculum Food Safety Culture for staff.
- Create committee to address opportunity to non-high-risk inspection training. Staff could do inspections with less of a standardization, like a stepping-stone, with training modules as you progress through. Agencies are experiencing large turnovers and this

may help address it. Jim has realized it's important to give these issues time to percolate and unfold.

### **Member Issues Cont'd: Conference for Food Protection (CFP) Update cont'd-**

#### **Mike – Gloves**

–Issues being brought- single use gloves are a utensil, so we don't need a hand wash step.

If you put on a loose-fitting glove and can shake them off without touching, then we don't need a hand wash.

Mike questions the intent here. What if it's raw?

Jay indicated, at Kwik Trip, if they change a task, it's a hand wash step.

**Mike –** another issue: The “May Contain” statement on packaging. Counsel 1. Asking agency to disclose a definition for cross contact and the statements “May contain”, “Made in a facility with...” Possibly asking for threshold levels.

**Jay –** At Kwik Trip, we use the statement as a deterrent even though we do best practices.

Jim thinks this may have just the opposite effect. We will further limit people with allergens access to food.

**Jay –** The science is not clear on the threshold. Even using ATP only determines if something is there, not if it's an allergen.

**Susan –** This is a federal law, so this is out of scope at CFP.

### **DATCP Issues/ Updates**

- 1. Manufactured Food: Troy S.** – No updates. Jay asked for update on Food Safety Advisory that Troy's department is trying to put together. Troy indicated it's been delayed but should be back on the table within a year. Would like to see this group shape what the Manufacturing Food Counsel will look like.
- 2. Retail Food: Jim K.** – NEARS annual report. Investigating FBI outbreaks and report to CDC for 2022. Will invite Sarah to present to us at next meeting- add to agenda please, Carrie.

### **State Committee Updates:**

- 1. Retail Policy Committee: Jim K.** – No new policies
- 2. Handout Committee**  
Since the last meeting there have not been any new fact sheets published. The plan review fact sheet is now available in Spanish. Currently working on a pictogram on proper techniques to check food temperatures. The Certified Food Manager Directory is continually being updated to include new course/exam providers.

**Jim K.** – All factsheets have been successfully converted into Spanish and we are continuing to move forward on other trainings translated into Spanish.

**3. Equipment Committee:** None to report

**4. Other Outstanding Committee work:** None to report

### **National Committee Updates:**

**Susan Quam** – FDA Food Code meets after CFP.

**Jay E.** – Has anyone been moved into Frank Yannis's role? No one is currently using the title of "deputy commissioner". Don Prater is acting head of OFPR. No one is permanent yet.

### **Legislative Updates:**

**Jim K.** – No pending legislation. Nothing affecting Retail Food. Most are with the Recreational Program.

**Susan Quam** – Still working on some form of bill for legislature to give DATCP authority to regulate cottage. Meeting in May to try to move forward. We do know that the cottage food people are going to continue to work in the courts to get more and more freedom because it's been successful for them. We want DATCP to have some authority and participation. We can help once Susan's group gets sponsors and then we can encourage sign-on.

**Hsing-Yi Hsieh** – There's a group looking to introduce a bill on retail theft. Wisconsin has a high threshold to press charges, so the group is working to get that lowered.

**Jay E.** – 2022 Food Code acceptance? What is the plan to move in the direction of that Code?

**Jim K.** – Indicated this is on the radar and will likely introduce a scope statement by fall and then begin work in spring of 2024. What comes out of CFP, and then the 2022 Food Code, might be incorporated.

**Susan** – Work is being done on changes to Chapter 125 (alcohol). Working to legalize kegged cocktails in Wisconsin. Technically, currently, in the state of Wisconsin, that is not legal. Agents are already inspecting these kegged cocktails. Need to clarify that this shouldn't be under DOR, but DATCP and clarifying what makes it acceptable.

**Jim** – Another issue with 125 and DOR: we don't issue a restaurant license to taverns. We issue a Retail Food Establishment license. There's a confusion to clean up regarding this.

### **Action Items:**

#### **RFSAC Guideline Review**

Carrie sent. We should all review. Bring forth any suggestions prior to or at our July meeting. Then we will review further and approve at October meeting. Jim K. indicated there is no rush from the State.

## **Future Agenda items & Dates**

Next Meeting July 28, 2023 (at Kalahari and virtual)

### **Additional comments:**

**Mike N.** – 3401.15- Mfg cooking instructions on packaged foods.

Peas & carrots, 21 CFR 117 requires retailers to disclose if they haven't treated the product for Salmonella. What if there is no disclosure? If there is a cooking requirement on the bag, then YES, it needs to be cooked. Go with what the manufacturer recommendations are. If you wonder, go back to the manufacturer and ask why. Get a letter of guarantee.

**Jay E.** – Food Protection In-service for Kwik Trip- September 19 and 20 at Kwik Trip.

### **Adjourn:**

Jay adjourned the meeting at 10:39 a.m.