

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

July 28, 2023, 9:00-11:55 a.m.

Kalahari Resort, 1305 Kalahari Drive, Wisconsin Dells and Microsoft Teams Meeting

**Roll Call:** Cheri Schweitzer, Anthony Reams, Hsing-Yi Hsieh, Laura Temke, Carrie Pohjola, Todd Drew, Brian Hobbes, Jim Kaplanek, Katie Roberts, Courtney Kempfert, John Chastan, Susan Quam, Julie Hults, Jessica Hoover, Daniel Tew, Jean Finger, Charles Clark, Sarah Scanlan

**Call to Order:** Cheri Schweitzer substituting for Jay Ellingson. Meeting called to order at 9:03 a.m.

**Additions to agenda/change of order:** Will revisit public comment at end of meeting.

**Consideration of Minutes: None**

**Public Comment/Input:**

Laura Temke took a new position with Festival Foods and will contact Jay E. to remove herself as a full committee member from the RFSAC. Going forward, she will be an alternate to Hsing-Yi Hsieh.

**Disclosures and Recusals: None**

**Membership Updates:**

**1. Subcommittee update:**

Cheri sent documents to everyone. Jim had cleared by legal. Jim gave update: Created final draft letter to secretary of council committee. Created by-laws for committee. Attempted to allow governor designee for approval. Was unable to change term limits. Sub-committee feedback was given. Jim met with legal department and secretary's office addressing comments and redrafted documents. Next opportunity to meet is end of August, may have final draft by October and can vote in October. Next step would be secretary's office and could be done by the end of 2023. Committee does not need to go through governor; can be done by DATCP secretary.

Two-year term limit proposed, can only be one year. Vice-chair can be two years, one year by vice chair, one year as chair. Initially a chair and vice-chair will need to be selected. A chair can hold a second term if absence in vice-chair. Only two successive terms allowed.

Requested industry permanent and non-permanent seats. Non-permanent is four-year appointment, may be renewed if no other industries interested. Ex-officio position for FDA. DHS is not voting member, more like ex-officio position. Jim questioned if DHS would like voting position, Charles said they will check with department.

Minimum of one annual meeting, plan is to have four annuals.

Secretary should be provided summary information along with by-laws.

John asked if that reason for committee change was to satisfy VNRPS, Jim stated current structure satisfies VNRPS, change is to satisfy state requirements. Change is to move to a council. Secretary may dictate discussion topics for council. Jim does not anticipate major changes. Cheri commented much thought was put into task and thanked Jim for his work. Editorial changes can be sent to subcommittee (Cheri) and should be done ASAP (within the next week). There have been suggested changes sent to Cheri since the documents were sent to the group.

2. **Odd Number Seat Elections October Meeting:** Cheri shared that current voting member seats are associations/organizations/education. In addition, there are three other seats, one seat is odd number, two seats are even number. Laura represented industry, not an association. In October, we can add a replacement member. Member should be from same industry. Ecolab would not be the same industry for this position. Jim stated that Hsing-Yi could ask another grocer to participate as industry representative. Hsing-Yi stated that local health departments could also suggest a member to not necessarily have another WGA member. Jim shared that council proposal increased the number of seats, tried to ensure industry would have more representation. Additional industries could be mobile operators, caterers, concessions, vending, etc.

### Member Issues:

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

Julie reported that committees are being chosen. She will be co-chair of plan review committee and non-voting member of Program Standards Committee.

Lindy Wiedmeyer and a person from industry will be taking leadership of Food Protection Manager Committee.

Susan reported that there is a fast turnaround on committee selection and that there were a lot of volunteers.

Jim asked about the status of the FDA response. Susan stated it is not done yet, but should be done shortly.

Exec. Board meeting will be in August to approve committees.

### Additional Issues Being Brought

John stated that the committee as-is should be voted on to be dissolved, prior to becoming a council.

### DATCP Issues/ Updates

1. **Manufactured Food:** Jean reported looking at opening ATCP 70 code and creating an advisory council for code update. Last update was 2020. Some FDA acts to be incorporated (sanitary transport, etc.). Hsing-Yi asked if traceability will be addressed. Jean reported yes, it is being explored. Hsing-Yi discussed concerns with produce traceability.

2. **Retail Food:**

- a. **NEARS update:** Sarah Scanlan gave a presentation/report over Teams:

- overview of NEARS- assessments done when licensed facility suspected of outbreak.

Assessments look at contributing factors and environmental antecedents. Data reported to CDC, used for prevention and future food code revisions.

- Reported on:

- 2022 outbreaks in Wisconsin (8) and responsible pathogens

- Response time: three-day average

- Establishment types implicated in outbreaks

- Hand Hygiene, Food Handling Practices, Employee Health and Restriction Policies

- Contributing Factors (Contamination, Proliferation). Susan questioned if non-foodborne Norovirus situations were taken into consideration. Jim and Sarah responded, yes, it is.

- Reduction/Elimination of Top Contributing Factors- deeper focus on employee health, managers asking more about symptoms. Use of more oral and visual learning

- 2022 Identified Environmental Antecedents

- Opportunities for improvement- quarterly meetings

- Moments of Success- Training requirements for certified sanitarians, Certified four sanitarians, WEHA presentation
- Goals and future- Increase capacity, host training, tabletop exercise, resource library (other than English), webinar for state/agent staff

Questions from Hsing-Yi what is being done with data and what is done with an establishment implicated in an outbreak? Response from Sarah- working with establishments on employee health, hand hygiene and proliferation training. Provide options for temperature abuse response and tailor to facility. For implicated establishments, recommendations are provided such as using a Risk Assessment plan (i.e. equipment cleaning frequency, sanitizer testing, physical layout changes). Jim responded they also hope to use data to identify specific aspects of factors where there are consistent failures and communicate those aspects to regulators.

John commented that there was a small number of outbreaks in relation to number of establishments and asked how consistently foodborne illness complaints are treated as an outbreak. Jim replied that calls are generally made to local health departments and when complaints meet the definition of an outbreak, the state is contacted. The 2022 outbreaks were identified through lab evidence or data. John questioned the ability of medical professionals to identify outbreaks. Jim responded that public health nurses are given outbreak training. Susan commented that health providers may not be making those connections or testing patients for foodborne pathogens. John asked of eight cases, how many people were in each outbreak. Sarah said she would have to look back into the data. Some are five to eight people. Others may be 50 ill, but only 25 agreed to an interview. John also asked how many states participate in NEARS and how many outbreaks occur in other states. Sarah stated it is a voluntary program and will provide that info to Jim for future communication. Jim reported other states may license/inspect additional types of facilities such as care facilities and may have more active surveillance. Jim shared that generally two or more unrelated ill people would be considered an outbreak. Jim also shared that Sara participates in national committee discussions.

Charlie Clark shared that it is estimated that for Salmonella there are 30 cases for every one reported. Labs/doctors are required to report Salmonella. Susan commented about pushing employee illness policies and training managers and employees. WRA is learning we are not doing a good job of reaching employee base and considering generational differences. Stereotypes may be incorrect. Susan did a recent podcast with Food Safety Magazine addressing generational differences. Susan gave the example of individuals thinking using water and paper towels for handwashing is wasteful. Continued discussion was held on how food safety and sustainability often conflict. Food safety may need to change to address sustainability. Individuals may be better motivated by someone from their own generation and individuals have different motivations. Discussion was held about languages spoken by food handlers and mistrust of government. Sarah contributed that giving options to individual establishments may help to address these issues.

#### **b. Other Retail Food**

Jim K. reported on pool code and lodging code. At end of fall, hope to submit scope statement for ATCP 75 and work on it in 2025. Majority of ATCP staff will be at State Fair. Focus of last three months has been new licensing, increase in license applications. Perhaps economy is rebounding and expanding. Lost business are coming back. Susan stated a lot of long-term business are closing, mostly due to economics of pandemic. Business is changing, losing sit-down service, seeing more counter service that may or may not have seating. Businesses are geared toward delivery and take-out. Less staff-centric operations. New business are different. Jim stated new applications are more ethnic. Cheri asked about increases. Julie reported a reduction in business hours. Brian reported large increase in TRH and mobile food. Jim reported increase in TRH. John commented about TRH needing to pay insurance and

taxes, which is increasing operations treating the TRH as a business. Jim commented on local jurisdictions holding TRHs more accountable.

Jim K. reported court issued a stay on recent cottage foods ruling, appealed to Supreme Court, but Supreme Court will not entertain. Status is original judge's ruling until appeal is heard. Complaints are received, but concrete information is needed for follow-up. Susan relayed that California governor recently signed a bill increasing income from \$50,000-\$100,000 but need to be licensed and inspected.

Cheri asked for update on mushroom ID class. Jim reported one class held so far and looking at holding additional courses. Kara or Katie Matulis may have additional information. Check mycological society website.

### **State Committee Updates:**

1. **Retail Policy Committee-** Jim reported no issues for retail policy or equipment. Those committees are being called into question about operation of committee. Going forward, may need different format of operation, but not council. Anticipating changes.
2. **Handout Committee** – Julie commented that nothing has been worked on recently. Jim stated UW Extension has reached out about working on food safety materials in Hmong. ATCP agreed to work with the university.
3. **Equipment Committee-** None
4. **Other Outstanding Committee work-** None

### **National Committee Updates:**

Susan relayed FDA food safety partnership will meet in August. May discuss response letter to CFP.

### **Legislative Updates:**

WRA is working to introduce legislation for cottage foods and put rules in place and stop rulemaking by judges. Want issues to get to public hearing to allow ATCP to engage. ATCP has never had authority over cottage foods.

Senator to introduce amendment to pickle bill, to increase \$5,000 limit. WRA trying to add additional language related to potentially hazardous food (term used in bills vs TCS foods). Support will be needed if/when issue goes to public hearing.

Jim asked Susan about possible polystyrene ban. Pre-emption prohibiting local jurisdictions from rule exemption, does not include plastic straws. Susan does not anticipate any action being taken at this time.

John asked if any updates about allowing dogs indoors. Susan said she was asked if there could be changes where they could be allowed inside. Her response was that her organization is not interested in allowing that practice. Susan is getting questions about ADA. Paper was issued that Wisconsin law supersedes Federal law, which is not true. Federal law supersedes Wisconsin law. Animals in training are allowed per state law.

Susan shared that an alcohol law has been introduced- change to Statute 125. Batching cocktails are illegal in Wisconsin but allowed in other states. Batch cocktail is a pre-mixed cocktail made in five-gallon container or less, removed from bottle or adding flavor. Current law requires cocktails only be made immediately prior to service. DOR addresses by complaint only. Bill contains language allowing batch cocktails. DOR insisted law contain information all batch cocktails must conform with all food safety laws. Law to say batch cocktails are to be held for 48 hours or less. Susan relayed DOR should refer food safety issues to ATCP. Hearing 8/17, should be enough votes to pass. WRA may need to revisit to change 48 hours or less.

**Action Items:**

1. **RFSAC new council document review and comment- to Cheri ASAP, by next Friday (8/4).**

**Future Agenda items & Dates**

Susan stated traditionally meetings were last Friday of quarter and asked that moving forward ATCP send calendar invites for the year. **Next meeting to be October 27, 2023.**

Cheri will ask Carrie about meeting length (11:30 vs. noon)

**Adjourn:**

Cheri adjourned the meeting at 11:55 a.m.