

Retail Food Safety Advisory Council By-Laws and Operational Guidelines-2023

Article I. Name and Authorization

Section 1. Name

The name of this body shall be the Retail Food Safety Advisory Council hereinafter called the RFSAC or Council.

Section 2. Authority

The RFSAC exists as provided pursuant to ss.15.04 (1) (c) and 15.09, Wis. Stats.

Article II. Mission

Promote a culture of food protection in the State of Wisconsin with open communication between government and industry.

Article III. Vision

The RFSAC advances food protection, education, and a food safety culture in the state of Wisconsin by combining the time, resources and educational connections of Wisconsin's top industry food safety professionals and partners with resources available at regulatory agencies to encourage improvement in the industry. It also provides a platform for food safety professional networking and forums that may not otherwise occur between regulatory agencies and industry.

Article IV. Scope

The RFSAC advises the Wisconsin Department of Agriculture, Trade and Consumer Protection's (DATCP) Division of Food and Recreational Safety (DFRS) in identifying opportunities to promote industry education, training, and consistency, and to address emerging trends in food protection. The following fall under the scope of the council:

- Food defense strategies
- Retail food safety education and training strategies
- Emerging technologies in food protection and the impact they have in Wisconsin
- Emerging threats to food safety and the impact they have in Wisconsin
- Allergen control strategies
- Identifying resources and solutions to challenges facing DATCP
- Identifying resources and solutions to challenges facing industry
- Participation on Wisconsin Food Code rule revision committee
- Food protection risk factor reduction strategies

Article V. Principle Statement

RFSAC members will strive to preserve the public trust by acting in an ethical and responsible manner. Council recommendations shall be based on sound science and food safety principles.

Article VI. Functions

Section 1. Administrative Responsibilities

The RFSAC shall:

- Advise the Secretary on a continuing basis, with recommendations for study, solutions, and policy alternatives on issues arising in the retail food regulatory and industry environment.
- Be responsible for communicating issues to regulatory partners and industry.

- Act as a clearinghouse for ideas and issues of concern to RFSAC constituencies and stakeholders when necessary.
- Support and promote the use of standards in the food safety system.
- Provide an annual report to the DATCP Secretary on the operation of the Council.
- Update and maintain the RFSAC members' contact information.

Article VII. Membership

Section 1. Appointment

The DATCP Secretary shall appoint member seats to the Council composed of retail food and other food industry associations, retail food industry stakeholders, and three local health departments that are agents for DATCP.

Section 2. Composition of RFSAC Membership

The Council shall consist of 20 seats. Council membership may grow to more than 20 seats based on need and DATCP Secretary approval. Ex-Officio members are invited to participate in Council discussions but are not voting members. The 20 seats are broken into the following categories:

- 1-seat - Wisconsin Restaurant Association.
- 1-seat - The Tavern League of Wisconsin.
- 1-seat - Wisconsin Grocers Association.
- 1-seat - Wisconsin Hotel and Lodging Association.
- 1-seat - Wisconsin Association of Meat Processors.
- 1-seat - Wisconsin Fuel and Retail Association.
- 1-seat – Wisconsin Bakers Association.
- 1-seat - Retail food establishment serving meals industry member. (Large food facility or chain).
- 1-seat - Retail food establishment serving meals industry member. (Mobile food units, vending, bed and breakfast facilities, temporary restaurants, caterers, etc.) (Small food facility less than 50 units/locations).
- 1-seat - Retail food establishment not serving meals, such as grocery store. (Large or chain).
- 1-seat - Retail food establishment not serving meals, such as grocery store. (Small).
- 1-seat - Convenience store industry member with significant food service.
- 1-seat - Meat establishment industry member with a retail food service operation.
- 3-seats - Local regulatory officials: Representing Wisconsin Association of Local Health Departments and Boards (WALHDAB).
- 1-seat - DPI Schools and institutions: Public and private early childhood, K-12, and institutions of higher education across the state that are a full service food facility, including private companies providing school or institutional food service.
- 1-seat - Wisconsin Technical College System or Universities of Wisconsin representing the culinary programs in Wisconsin.
- 1-seat - Member at large.
- 1-seat - Wisconsin Department of Agriculture, Trade and Consumer Protection – Council secretary.

Ex-Officio Members:

- Wisconsin Department of Agriculture, Trade and Consumer Protection – Management.
- Wisconsin Department of Agriculture, Trade and Consumer Protection – Field Staff.
- Food and Drug Administration (FDA)

- Wisconsin Department of Health Services | Division of Public Health | Bureau of Communicable Diseases

Section 3. Term of Membership

The terms of office are as follows:

- a. A Council member is appointed to a four-year term by the DATCP Secretary. The term ends on July 1, in the final year of the four-year term.
- b. The appointments of DATCP representatives remain in effect at the pleasure of the DATCP Secretary. The DATCP Secretary under s. 15.09(2) will designate an employee to serve as Council Secretary.
- c. A Council member may be reappointed by the DATCP Secretary for more than one term, if the existing seat will otherwise remain vacant.
- d. RFSAC Chairperson shall initially be elected by the Council for a one-year term.
- e. RFSAC Vice-Chairperson shall be elected by the Council to a two-year term comprised of a one-year term as Vice-Chairperson, followed by a one-year term as Chairperson.
- f. RFSAC Chairperson shall serve no more than a one-year term. In the event of a vacancy in the Vice-Chairperson, the Chairperson may be elected to an additional one-year term. After consecutive terms, at least two years must expire between terms before a Council member may be reappointed to the Chairperson or Vice-Chairperson position.
- g. In the event of absences or changes to the Chairperson or Vice-Chairperson, the Council may elect a new Chairperson and Vice-Chairperson.

Section 4. Term Vacancies

- a. In the event that a member resigns before the end of their term or a Council seat remains vacated, the Chairperson shall inform the DATCP Secretary of the need to appoint a new member. A change in representation shall be submitted to the DATCP Secretary for appointment approval.
- b. Nominations for a new member may be received by the Council Chairperson. The Chairperson will forward a recommendation to the Division Administrator for submission to the DATCP Secretary for further consideration.
- c. A New member appointed mid-term to finish the term of an existing vacancy may then may be reappointed to serve a consecutive, full-term.

Section 5. Compensation

Members serve without compensation.

Section 6. Resignation

Any member desiring to resign from the Council shall submit a letter of resignation to the Council Chairperson, indicating effective date of resignation. The chairperson shall inform the Division Administrator. The Division Administrator shall inform the Secretary of the vacancy and request a new appointment.

Article VIII. Conflict of Interest

Section 1. Conflict of Interest

No member of the Council shall vote on any matter, which would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under state or federal law.

- a. If any of the above conditions exist, a Council member should evaluate the circumstances that give the appearance of a conflict of interest. In such situations, members should disclose the circumstances and refrain from voting.
- b. Members are expected to follow the Wisconsin Code of Ethics for Public Officials, Wis. Stat. ch. 19, subch. III.
- c. Council members are subject to the Wisconsin Public Records Law at Wis. Stat. §§ 19.31 to 19.39.

Article IX. Meetings

Section 1. Conduct of Meetings

All meetings of the RFSAC including committee meetings, shall be open and public, and conducted in accordance with the Wisconsin Open Meetings Law, Wis. Stat. §§ 19.81-19.98.

Section 2. Annual Meeting

A RFSAC annual meeting shall be held at least once in each calendar year.

Section 3. Regular Meetings

- a. Regular meetings of the full RFSAC shall be held quarterly.
- b. Meeting formats include in person, virtual or a combination of both.
- c. Unless otherwise designated, regular meetings of the RFSAC will be held at a location as determined by the RFSAC Chairperson in consultation with the RFSAC membership.
- d. The Chairperson may cancel a regularly scheduled meeting by e-mail or by telephone after being contacted by a majority of the RFSAC members who request a cancellation.
- e. Sufficient notice shall be given to the public pursuant to Section 1.
- f. Any member of the public is welcome to attend, participate, and provide input at RFSAC meetings. The public will be afforded public comment time as indicated on the RFSAC agenda.

Section 4. Meeting Agenda

- a. Prior to every RFSAC meeting, an agenda shall be distributed to each RFSAC member.
- b. Public comment and presentations shall take place at the beginning of the RFSAC meeting unless another arrangement is made and appropriate notice is given.
- c. Requests for items to be included on the agenda shall be submitted to the Chairperson prior to public posting of the meeting.

Section 5. Committee or Special Meeting

- a. Special meetings or committees of the RFSAC may be convened upon request of RFSAC and the RFSAC Chairperson.
- b. Reports and recommendations of special meetings or committees will be presented to the RFSAC at a regularly scheduled meeting.

Section 6. Quorum

- a. A quorum for an RFSAC meeting shall be a simple majority of voting Council members.
- b. A quorum shall be present in order to conduct the business of the Council.

Section 7. Participation and Voting

- a. Decisions by the RFSAC shall, to the extent possible, be made by consensus of the members. If there is no consensus, decisions by the RFSAC shall be made by a majority vote of the members attending the meeting. Any member may request a roll call vote. Procedures for taking a roll call vote and conducting RFSAC meetings shall be in accordance with these bylaws and the Wisconsin Open Meetings Law.
- b. Ex-officio members on the Council do not exercise voting rights.
- c. Voting by RFSAC shall be by voice or by show of hands at the discretion of the Chairperson, unless a member requests a roll call vote.
- d. All voting shall be open and no secret votes may be cast.

Section 8. Attendance

If an RFSAC member is absent from more than half of the regular meetings during the past 12-month period, the Chairperson shall notify the DATCP Secretary regarding the member's attendance in writing and petition for a replacement appointment.

Article X. Officers

Section 1. Election of Chairperson

The Council shall initially elect a member to serve as the Chairperson of the RFSAC for a one-year term. Thereafter, the Vice Chairperson shall become Chairperson, serving for the next one-year term. The RFSAC Council secretary, who serves as the representative of DATCP, may not serve as Chairperson. The Chairperson shall be determined by a majority vote of the RFSAC members at the first meeting of the RFSAC each calendar year. The RFSAC Chairperson shall preside at RFSAC meetings and exercise general governance over the RFSAC. The Chairperson shall execute correspondence on behalf of the RFSAC; represent the RFSAC, if requested, at local, state, and national meetings; review and approve meeting agendas, review meeting minutes, and designate committees and workgroups as deemed necessary to carry out the business of the RFSAC.

Section 2. Election of Vice Chairperson

The RFSAC shall elect a Vice-Chairperson. The Vice-Chairperson shall serve a one-year term as Vice-Chairperson, followed by a one-year term as Chairperson. The RFSAC Council secretary, who serves as the representative of DATCP, may not serve as the Vice-Chairperson of the RFSAC. The RFSAC Vice-Chairperson shall be determined by a majority vote of the RFSAC members. In the absence of the RFSAC Chairperson, the Vice Chairperson shall conduct RFSAC duties, including the leading of meetings.

Section 3. Secretary

The RFSAC Council secretary shall be a DATCP employee appointed by the DATCP Secretary. The secretary shall be responsible for taking minutes at RFSAC meetings.

Section 4. Acting Chair

In the anticipated absence of the RFSAC Chairperson and Vice-Chairperson, the RFSAC Chairperson shall designate an Acting Chairperson, an RFSAC member, who shall conduct RFSAC activities, including the leading of meetings, for a predetermined period of time.

Article XI. Parliamentary Procedure

If the Bylaws are silent, the procedures shall be in accordance with the most current edition of The Standard Code of Parliamentary Procedure.

Article XII. Amendments of the Bylaws

- a. Bylaws may be amended by a two-thirds (2/3) vote of the total RFSAC members.
- b. Bylaws will be reviewed annually at the fourth quarter meeting.
- c. Changes to the bylaws shall be forwarded to the DATCP Secretary for approval.

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