



**Food Service Advisory Committee
Biennial Legislative Report**

October 2018

Introduction

The Food Service Advisory Committee (FSAC) is authorized by Oregon Revised Statute (ORS) 624.121. The mission of the FSAC is to assist and advise the Foodborne Illness Prevention Program in achieving its goals; represent the Committee's constituencies; and ensure food safety and the protection of Oregon's citizens. The Committee is comprised of 12 to 15 members representing the food service industry, consumers, educators, dietitians, and local, state and federal regulatory officials.

ORS 624.121 requires the FSAC to submit a biennial report to the Legislative Assembly and the Oregon Health Authority (OHA) on the implementation of ORS 624.020, 624.060, 624.073, 624.495, and 624.510, all of which relate to the licensing and regulation of food service facilities. This document is the 2016-2018 Biennial Report of the FSAC.

Recommendations

The Committee made no recommendations relating to these Oregon Revised Statutes:

- ORS 624.020: License application, fee payment, denial, suspension, revocation, posting, and nontransferability;
- ORS 624.060: Inspection and re-inspection schedule of restaurants and bed and breakfast facilities; posting of required notices regarding compliance;
- ORS 624.073: License revocation, suspension, or refusal; facility closure; minimum acceptable sanitation score; inspection schedule;
- ORS 624.495: Foodborne illness prevention program; consultation with groups representing local health officials and statewide restaurant associations in the development of rules; and
- ORS 624.510: Intergovernmental agreements with local public health authorities; fee collection and remittance for coverage of administration and enforcement costs; rules.

The Committee did recommend that OHA pursue a legislative concept to require food manager certification in food service establishments in Oregon.* The FSAC provided OHA with the following recommendations on how the concept should be crafted:

- 1) The FSAC recommended that there be a phase-in period. Initially, facilities should be required to have one certified manager on staff within one year of implementation of the requirement, which matches the language in the 2013 US Food and Drug Administration (FDA) Food

Code. After five years, the person-in-charge should be required to be a certified manager as specified in the 2017 FDA Food Code.

- 2) The standards for the certification program should be based upon national standards. There are currently five nationally accredited manager certification training programs. Any regulatory agency or industry member could also create their own training program. However, all certification exams should be American National Standards Institute (ANSI) accredited.
- 3) Menu complexity and type of operation should be considered when determining which facilities would be subject to the requirement. For example, facilities that serve only prepackaged, non-potentially hazardous food should be exempt from the requirement. The FSAC recommended that the requirement apply to restaurants, mobile units and vending machine companies that prepare potentially hazardous foods. The FSAC recommended that the requirement not apply to temporary restaurants, commissaries or warehouses. There should be no exemption for size of the facility.
- 4) The FSAC does not recommend the development of an incentive program.
- 5) The FSAC recommended that the enforcement mechanism for the lack of a certified food manager on staff utilize existing rule provisions and be considered a priority or priority foundation item.

Other Accomplishments

The FSAC also accomplished the following during the 2016-18 biennium:

- The FSAC reviewed and provided OHA with recommendations on the content and look of the portal that provides the public access to scores and inspection results on the internet (HealthSpace).

Action Steps 2018-20

- The FSAC will review and revise, if necessary, the vision and mission statements and update the goals of the committee and action steps of the Foodborne Illness Prevention Program.
- The FSAC will be an active participant on Foodborne Illness Prevention Program workgroups to develop recommendations relating

to adoption of the 2017 US Food and Drug Administration Food Code or any other food service related rule changes.

- The FSAC will continue to advise the Foodborne Illness Prevention Program on the possibility of submitting a legislative concept to the agency to allow for mandatory food manager certification.
- The FSAC will advise the Foodborne Illness Prevention Program on potential legislation to increase the food service marker fees established in ORS 624.490.

*Please note that the program will accomplish this goal through rulemaking as part of the adoption of the 2017 FDA Food Code by reference.

Food Service Advisory Committee Membership

Gretchen Allen

Director of Sales and Marketing
NEO F & B
*Representing Industry – Industry
Factory Representative*

Greg Astley, Vice-Chair

Director of Government Affairs
Oregon Restaurant and Lodging Association
*Representing Industry – Industry
Associations*

Judy Craine, Chair 2017-18

Owner/Operator
Holman's Bar and Grill
Representing: Industry - Restaurateur

Keith Davis, Chair 2016-17

Food Service Director
Oregon State Penitentiary and Mill Creek
Correctional Facility
Representing: Industry - Institutional

Kevin de Garmo

Pastaworks
Representing Industry – Restaurateur

Jason Horn

Food Safety Manager
In-N-Out Burger
Representing: Industry – Quick Serve

Oren Kariri

Food Safety Manager
New Seasons Market
Representing: Industry – Retail Grocery

Kathryn Kennedy

Regional Food Specialist
Food and Drug Administration
Representing: Regulatory - Federal

Jeff Lang, Manager

Lane County Environmental Health
Conference of Local Environmental Health
Supervisors
Representing: Regulatory – Local

Mary Pellegrini

Old Parkdale Inn Bed and Breakfast
*Representing Industry – Representing Bed
and Breakfast Guild*

Christina Springer

Food Safety Division
Oregon Department of Agriculture
Representing: Regulatory - State

Dan Tew

Food Safety and Regulatory Affairs
YUM! Brands
Representing Industry – Quick Serve

Stacey Willson

Manager of Food Safety
Sodexo
Representing: Industry – Institutional