

## **Food Safety Advisory Meeting**

**January 21<sup>st</sup>, 2020**

**10 am to 1 pm**

### **Meeting Summary**

#### **Attendees**

Frank Barcellos - ODA

John Burr - ODA

Paul Cieslak - DHS/OHA

Danny Faccinetti - Oregon Food Bank

Mark Fountain - Food Northwest

Sarah Kaplan - ODA

Jovana Kovacevic - OSU

Rebecca Landis - Oregon Farmers Market Association

Shawn Miller - NWGA

Kathryn Nelson - ODA

Allison Niederhauser - Safeway/Albertsons

John Noble - ODA

Susanna Pearlstein - ODA

Rusty Rock - ODA

Karel Smit - ODA

Isaak Stapleton - ODA

Hillary Styles - Pacific Seafood Group

#### **Inspection Progress Update - Rusty Rock**

Food Safety has seen a decrease in routine inspections which is not preferred. Management is still emphasizing routine inspections. Things that contribute to interrupting routine inspections is an increase in samplings including food and shellfish sampling. Management is looking for resources to handle this increase in sampling.

The program is fully staffed, however, there are long training processes involve for staff. Two of our new inspectors are still in active training which is a resource intensive process and involves many of the program's regular staff, putting a strain on inspectors. Parker is almost finished with training; he only has a small bit of dairy training left. Devon is still fully in training, although approaching being signed off for retail and processing.

Another item that cuts into the routine work is FDA Preventive Controls (PC) training. Each training is 7 days, plus the field work which has at least 2 observational inspections and then leading one inspection before being signed off as fully trained.

The average amount of inspector time spent on training is 9% per year. This year it is projected to be closer to 11%. To help balance the work load management is looking at shifting other inspections out of areas with a large number of PC inspections.

Management is helping inspectors learn how to balance just how much to help clients. As inspectors become more experienced they get fewer but more complex inspections and firms. As the inspectors learn and gain more knowledge they spend more time educating (about half of field work is education).

### **Budget Update – Kathryn Nelson and Jack Noble**

A graph presenting the history of the general fund budget for Food Safety showed a slight increase from (AY) 2019 to AY 2021.

There is an increase in revenue from licensing partly due to an increase in cannabis licenses. Although there isn't truly a different license type, the program adds the cannabis designation for tracking purposes.

The program is looking at a negative balance for other funds cash balances in the AY 25. This is due to the expenses of the program's other funds. Other Funds expenses include salaries and wages which increase 15%. There was an additional step added for employees, meaning 40% of employees will now get a step increase raise.

The program is required to have 3 months of reserve in the cash balance fund which is 1.3 million now and 1.8 million in 2025. As the project expenses go up the cash balance/reserves need to increase also.

The program will ask for restoration of the general fund in budget request so as to avoid asking for a large fee increase.

The number one priority is getting the general fund back. The longer the program goes without the general fund the larger the fee increase will need to be to maintain current level of service

The final slide presented showed other inspection revenue sources. The FDA inspections, although time consuming pay for three whole staff members and allows Food Safety Specialists to continue attending FDA trainings.

### **FSMA PC Update - John**

John Burr provided an overview of prior years of FDA/ODA contract work loads. In 2001 ODA accepted an increased workload of FDA contacts going from 500 per year to 750 per year. Leading up to 2008 staff couldn't keep up and from the beginning of 2008 ODA began a steady decline in the number of contracts agreed to with the FDA. After that there was a gradual and consistent reduction initiated.

ODA is moving towards increasing the number of PC inspections, which can be handled due to an increase in staff training. The program plans to have all staff trained to complete PC inspections. This year there are 20 staff members going to class with 5 already having complete it. The program needs all staff trained to complete PC inspections so as to provide good geographic coverage of the entire state.

Late last year the FDA reached out to ODA to indicate their intent to decrease the number of GMP inspections completed by ODA staff. The FDA contacts are projected to be 156 GMP, 10 Acidified, and 50 PC inspections in 2022. ODA is looking towards initiating state PC inspections towards the end of 2020.

## **Food Code Adoption – John Burr**

Both ODA and the Oregon Health Authority (OHA) are currently looking at adopting a more current version of the FDA model food code. Currently the counties and state food codes are quite similar and both are based off the 2009 FDA model food code.

The biggest change in the upcoming food code, which will be based on the FDA 2021 model food code, will be a requirement for each license type to have an employee or manager take a nationally certified Food Manager training course.

## **Returnable Containers Update – John Burr**

The program is currently working on a draft for what might work well while also maintaining public health concerning returnable containers. This will be submitted to the Department of Justice. A draft will be shared with the group of industry stakeholders that convened in August so the industry can contribute input.

After getting input from the retail industry and other stakeholders ODA hopes to administer the normal administrative rule change process. The program hopes to be able to avoid waiting to add it to the newer food code being considered.

## **USDA Meat Intended Use - Rusty Rock**

Intended use is a policy put into place by the USDA in 1999 with the intent to control dangerous strains of *E. coli*. The policy indicated that whole muscle intended to be used as a whole intact cut are allowed to have even pathogenic *E. coli* on its surface. Muscles intended for grinding have stronger controls in place to insure they do not have *E. coli* on them.

This came to ODA's attention because a grocery store chain had multiple levels for meat recalls leading to all beef being recalled. It is common for stores to buy whole intact muscles and add it to their ground beef. This issue of contaminated ground beef

has been going on for decades. The program's goal is to educate stores about the policy and to throw out their bench trim.

USDA will not change their codes or policies and considers any store that uses trim in their grinds to have willfully exposed their customers and will not do a trace back at that point.

### **Dairy Program Updates – Frank Barcellos**

There is a new pilot program that will allow non-grade A and grade A dairy product plants to be inspected at the same time. The FSMA policy wanted to separate the two because they fall under different operating policies (non-grade A plants follow CFRs while Grade A follows PMOs).

The FDA is looking to start the pilot program in February. Because the CFRs and PMOs are very similar between the two sides of the plants being able to inspect both at one time will be more efficient for inspectors. This avoids conflicts between the two requirements for seals, equipment, etc.

The new program manager for FDA, Mark Morman, wants to streamline and modernize the dairy sampling process. This will hopefully free up time and resources of inspectors to be applied elsewhere.

### **HB 2574 Shellfish / Coastal Position – Karel Smit**

HB 2574 created a limited duration position ending in June of 2021. It was posted just before the meeting began. This position will help advise Food Safety on how to keep helping the industry grow by evaluating potential expansion of growing areas.

### **HB 2060 Closure Authority Draft Rules – Isaak Stapleton**

The draft rules are ready and Food Safety wants input on them. Food Safety intends to follow current policies about days to renew or apply for initial license. Once the closure is proposed they then have 30 days to respond.

Food Safety still has civil penalties in place and intends to utilize them before enacting a closure notice. Closure would only occur after the program has exhausted all other penalty options. This is a tool to utilize to get companies to get licensed.

The program will create a matrix for civil penalties both for current penalties and penalties associated with this bill.

### **Rule Making**

- The fee increase rule making is out for input. The hearing is January 29<sup>th</sup> at 10am.
- Olive oil has been added to the farm direct bill.
- The plastic straw ban is finished and in place.
- Crab closure rules which were temporary have been made permanent.
- Proposals are expected during future legislative sessions regarding the regulation of Kratom products which may involve the ODA.

The next meeting will be decided by a doodle pole. There is still a need for the co-chair position to be filled.