



Food Safety Advisory Committee Meeting

August 17, 2021

2:00 p.m. to 4 p.m.

Facilitator:

Rustin Rock, Oregon Department of Agriculture

Attendees:

Sarah Beachy - Oregon Department of Agriculture
John Burr - Oregon Department of Agriculture
Joy Waite-Cusic - OSU, Food Science and Technology
Tammy Dennee - Oregon Cattleman's Association
Mark Fountain - Food Northwest
Buck Jones - Columbia River Inter Tribal Fish Commission
Tami Kerr - Oregon Dairy Farmers Association
Rebecca Landis - Peak
Jenny McCool - Oregon Department of Agriculture
Sharon McFadden - Oregon Food Bank
Shawn Miller - Northwest Grocery Association
Sarah Miranda - Public
Alice Morrison - Friends of Family Farmers
Kathryn Nelson - Oregon Department of Agriculture
Jack Noble - Oregon Department of Agriculture
Susanna Pearlstein - Oregon Department of Agriculture
Karel Smit - Oregon Department of Agriculture
Isaak Stapleton - Oregon Department of Agriculture
Hillary Styles - Pacific Seafood
*2 unidentified called in

General Program Status - Isaak Stapleton / Rusty Rock

Isaak Stapleton is acting as interim Program Director in Plant Health until a replacement for Helmuth Rogg is found. At this time Rusty Rock will act as interim Food Safety Department (FSD) director.

Job vacancies have been approved to be filled, which include a Food Safety and Animal Health office manager, Food Safety field inspector, an Animal Health district veterinarian, and a meat program specialist.

One of the program's field inspectors in Eugene relocated to Portland to fill an open position, leaving an open position in the Eugene area.

A recently hired district veterinarian in the Animal Health program has been shifted the meat program's veterinarian position. That opened a Mid-Valley district veterinarian position that will be posted before the end of the month.

Oregon Department of Agriculture (ODA) is participating the statewide rollout of Microsoft 365. This is taking place over the next few weeks and is scheduled to go live September 13, 2021.

The Kratom bill was vetoed by the Governor so ODA will not be regulating that industry.

Program Budget and Fee Status Update – Jack Noble / Kathryn Nelson

Last session there was a discussion Food Safety budget issues that may have triggered up to 30% license fee increases. Through the efforts of industry as \$1.5 million in general funds was restored to the program. Additionally, the Food Safety program received \$763,976 reimbursement of funds for all the Covid outreach and consultation inspectors did with businesses.

The program increased fees by 3% this year. The program was granted the ability to increase fees by 7% each year over the next 2 years. The program was granted the ability to increase by 7% + 3% for a total of 10% over the next 2 years, however, the fiscal projections currently indicate that a 7% increase in 2022 and 2023 should maintain adequate cash reserves to allow for program solvency.

The current legislation that allowed for yearly licensing fees increases up to 3% will expire in 2025. Based on projections the Food Safety program anticipates that it will submit a program option package to allow for that 3% increase to extend through 2025 and into the future. The program's goal is to stay between 5 and 5.5 million for a cash balance through 2025. The standard 3% annual fee increase will help keep the program on track to meet this goal. Expenditures, including negotiated Cost of Living Adjustments, are built into the projections showed today. There cost of living adjustments for staff over the next 2 years include an increase of 2.5% December 1, 2021 and a 3.1% increase on December 1, 2022.

Covid-19 Status -Rusty Rock/ John Burr/ Karel Smit



The current practice of pre-notifying businesses of inspections will end August 31, 2021 and we will resume our standard practice of unannounced inspections on September 1, 2021. As part of this return to normal operation Food Safety staff will continue to assess COVID protocols to ensure a safe working environment for conducting inspections. They have the support of management to terminate inspections prematurely to ensure their safety.

The practice of pre-announcing inspections was put in place to allow firms adapting to COVID mitigation practices to have a more predictable regulatory environment. At this time firms have developed COVID protocols and practices. The return to unannounced inspections will allow more efficient inspection activities for our staff; prenotifying is very time intensive and can limit. Inspectors are no longer doing triggered Covid work. The interest expressed by firms in receiving COVID consultations dropped off in March and came to a complete stop by May.

It is not within food safety's jurisdiction to enforce mask mandates, as the program is not an enforcement agency for public health. Complaints received are being redirected to Oregon Health Authority (OHA) or Oregon-Occupational Safety and Health Administration (OR-OSHA).

Dairy and Shellfish program status – Karel Smit

With the Delta variant cases increasing, the program has received a couple requests from dairy plants to delay laboratory evaluations due to the small rooms these inspections are conducted in. The 90-day emergency considerations granted by the Food and Drug Administration (FDA) allow us to push these beyond the due date.

The program's 6th 90-day FDA emergency consideration ends September 17, 2021. The program will ask for a 7th consideration once that expires to allow for a safety net in delaying inspections and testing if needed. At this time sampling, equipment checks, and farm inspections remain on track for meeting PMO requirements.

Prior to Covid-19, Oregon was to be part of an FDA dairy pilot program to determine how to best inspect multi production dairy plants, (Grade A and Non-Grade A). This has been on hold for over a year and the FDA is wanting to get it started again. There are two options under consideration by the FDA for completing this work. In option 1, an FDA milk specialist would do a limited Preventive Control (PC) inspection on the manufacturing side while doing a Grade A inspection. For option 2, ODA dairy inspectors who are signed off to do PC inspections would do them in place of the FDA. The ODA has 5 dairy plants that will participate. The FDA wants 1 inspection done per state by January 2022 in order to present their data at next year's National Conference of Interstate Milk Shipments (NCIMS) conference.

A temporary administrative rule was submitted, last March, with the intent of limiting out of state crab with a high Domoic Acid (DA) concentration (>30ppm). The rule states that any crab with >30ppm DA must be eviscerated before being sold in Oregon. The program filed a Notice of Proposed Rulemaking to permanently adopt this.



FDA and Retail program status – John Burr

Before the beginning of the pandemic, staff were working at reducing the number of past due routine and high priority inspections. At the beginning of the Covid-19 restrictions, the number of past due inspections was about 900. Staff members have been able to conduct more routine inspections with the lifting of some of the Covid-19 regulations. The back log of routine inspections overdue by 90+ days grew during Covid-19 restrictions; however, it is now beginning to level off. It currently stands at 4945.

The FDA contract assignment was completed mid-August, despite a slow start due to Covid-19. The billing will be completed by the middle of September. Arrangements for the next contract year are well underway with an anticipated start to the 2021-2022 contract year in mid-September.

Cross-training of staff on Preventive Control inspections will resume as conditions permit co-workers to work together. 17-18 inspectors are currently signed off and more are planned for next year. It may be possible to send all the rest of the staff to PC training in 2022.

ODA was the recipient of two Association of Food and Drug Officials (AFDO) grants. The first was to purchase fast acting thermocouple thermometers with National Institute of Standards and Technology (NIST) calibration; the second was to develop and purchase new stickers providing retailers with basic food safety guidance. This second grant will enable the ODA to print these stickers in multiple languages to better serve the diversity of people within our state. The program is in the process of applying for another grant to provide equipment and supplies for field staff conducting retail inspections.

In August, key Food Safety staff members will participate in the Conference for Food Protection meeting whereby members of regulatory, industry, and academia meet to develop and/or modify food safety guidance which is incorporated into the food safety rules at all levels of government.

The program is working towards updating Oregon's domestic kitchen rules; they have not been updated in many years. The focus is on domestic kitchens and bakeries, not farm direct rules. The update will focus on clarifying the allowances, limitations and requirements of operating a domestic kitchen business. Not all managers have commented on the proposed rules as of yet and the Department of Justice (DOJ) has not seen the draft of the Oregon Administrative Rules (OAR) changes. The DOJ will need to approve before any implementation. A virtual public opinion survey will happen once the the DOJ approves.

State Meat Inspection Program – Rusty Rock



The rules are being developed at this time. The program is combining/modifying federal rules for OR division 29 and 28 and they will be all inclusive. This will not change requirements for existing businesses. There will not be an additional license for the state meat inspection program. The United States Department of Agriculture (USDA) will not allow cross state sales of state only inspected meat.

The program is still hoping for a July 2022 roll out. Within a month the program hopes to have a rough draft for public comment. There are still monthly meetings taking place to get input from industry and stakeholders.

The next meeting will be in 3 months. A doodle poll will be sent out to determine the date.

Adjourn 3:05 p.m.

