

**Food Safety Advisory Committee**  
**July 18, 2019**  
**10 am - 1 pm**

**Meeting Summary**

**Attendees**

Advisory Committee members:

Jamie Wiggins, Food Northwest, Co-Chair

Jonathon Sandau, Oregon Farm Bureau

Paul Cieslak, Oregon Health Authority

Jovana Kovacevic, OSU via phone

Bob Beck, Columbia River Inter-Tribal Fish Commission

Shannon McFadden, Oregon Food Bank

John Lin, Pacific Seafood

Karen Samek, Darigold/NDA

Buck Jones, Columbia River Inter-Tribal Fish Commission

Jerome Rosa, Oregon Farm Bureau

Staff:

Isaak Stapleton, ODA

John Burr, ODA

Karen Apiado, ODA

Rusty Rock, ODA

Karel Smit, ODA

Sabrina Martinez, ODA

Kathryn Nelson, ODA

**Budget update: Kathryn Nelson**

A copy of the agency 2019-21 budget summary was provided along with a graph the food safety cash balance projections and a graph of general fund and another fund comparison from AY 15 to AY 21

Governor's Budget has significant changes for 2019-2021.

Food Safety policy package for restoring the 1.4M general fund shift did not make budget this time, but hopefully for 2021 budget. Due to this decision, the program will need to either have general fund restored or seek a 20% fee increase by the next biennium to maintain the program at the required operating reserves going forward.

Food Safety did not receive funds for a Food Safety Data Analyst position to reduce inspection backlog and better track and analyze data to inform decisions. Without the position, tracking and analyze data is spread throughout the managers.

Food Safety no longer receives federal funds. Federal funds were coming from FSMA produce safety funding, which has now been transferred to the Market Access Program.

Food Safety does not plan to seek federal funds to participate in additional federal programs at this time.

Cash balance is looking better than what our program thought; this is due to some cost savings from vacant positions in the program. The program should be fully staffed by October this year.

The new union contract is not budgeted into our current balance.

The union contract effective July 1<sup>st</sup>, 2019, increases employees pay by 2.51% COLA for each employee. Next year, October 1<sup>st</sup>, 2019, increase employees pay by 3%. The new contract added a tenth step for employees who are at their top step. 26 out of 44 Food Safety Program employees are at the top of their step increase. Also, the employees will be able to cash out 40 hours of vacation. If an employee has at least 100 hours of vacation, the individual can cash out 40 of those hours. The employee's vacation balance needs to keep 60 hours. Maximum hours employees can incur is 350 hours at any time.

### **Legislative Session Impacts: Isaak**

A summary sheet of bills affecting the Food Safety and Animal Health program were provided.

SB90- Plastic straw ban has OHA and ODA as the enforcing agencies. ODA will be doing joint rule making with OHA.

SB 88- Animal rescue facility inspection and licensing. This impacts the Animal Health Program. This bill changes the enforcing authority from counties to ODA. This bill includes one FTE and one limited duration employee. ODA will be required to do rulemaking for this bill.

SB1025- ODFW to do some surveys in Tillamook Bay. ODA anticipated to be on advisory committee.

HB2059-This bill allows the program to increase license fees 3% annually until 2025. The first fee increase will occur on July 1<sup>st</sup>, 2020.

HB2060-Provides new authority to close a facility for failure to obtain or maintain their license. There are provisions requiring minimum notice to the facility prior to closure.

HB2574- This bill is for Shellfish plat lease work. The bill adds an addition .75 FTE and \$200K general Fund.

HB3030 & HB5050- Kathryn talked about these two bills during her conversation.

HB5050- Does have funding for lab equipment, the lab did purchase an addition LC triple quad and an ELISA unit for the lab that came through the E. board for cyanotoxin work.

### **Inspection Progress Update: Rusty**

Routine inspections are being completed by staff. Several inspectors have indicated that a dedicated day for Routine inspections would be more effective if on another day than the current Thursday model. Aged 90 days means inspections that are overdue by 90 or more days. Our model for assigning risk is based on guidance from the FDA. A risk factor of 6 to 12 months indicates high risk, 13 to 25 months indicates medium risk, and 26 to 36 indicates low risk. Dairy and Shellfish can be mandatory high-risk inspections. We continue to focus on the oldest, high risk firms. We have been relatively flat regarding progress towards clearing overdue firms, however we are currently 2 employees short.

Regarding outstanding, unlicensed food establishments, the closure bill has passed the legislature and will give us authority to close facilities based on non-payment of license fees. Our current focus is on firms that are 2 to 3-year overdue for payment of license fees.

Currently, the new employee, who is located in Eugene is wrapping up training this month. The job posting for Medford has closed and the new hire will not be hired until October. We anticipate that our staff will need to attend classes for PC inspections, which require two weeks for the training, plus joint field inspections. Our current average for staff is 15 to 25 routine inspections per month. Routine inspections account for approximately 50% of our staff workload. Inspections classified as routine include not only routine inspections, but also FDA contracts, and Dairy equipment checks. Inspections that don't fall under the routine classification include work that can't be planned, such as: Initial approvals of new licenses, consultations, and consumer complaints.

A question was asked by one advisory member as to whether inspections could be pre-announced. If inspections were not surprise visits, an individual who knows the establishment can help navigate where things are located. Mostly, talking about dairy inspections for where wells or water systems are located.

The local inspectors for dairy facilities have made maps where water systems and/or wells are located to speed up the inspection process.

### **FSMA PC Inspections and FDA Contact: John**

Our inspectors are wrapping up the FDA contract year. This contract year ends in August. Our contract had 10 Acidified inspections, 8 Full Scope Preventive control (PC) contracts, and every inspector was audited. The contract list had numerous firms that were out of business. This contract year, there was an allowance for FDA compensated extra visits and drive time.

Next year the number of contract inspections is planned to be 358

ODA is planning to conduct 16 Full scope Preventive control (PC) inspections under the 2019/2020 contract. Full Scope PC inspections are taking on average 40 hours, or two staff for two and a half days at one facility.

Dairy PC inspections involve an FDA inspector doing the inspection. If the dairy is not in compliance, the dairy could be delisted. If the dairy is delisted, our rating officer will need to conduct a re-rate inspection within 60 days. Appendix T inspections can take 1 day for looking at plans and 1 day for inspection. We are not sure on how long our report will take. FD 254 training for CFR 117- PC- Subpart C & G. Fourteen inspectors have taken the course. Once the inspector has taken the class, there is a field exercise to join senior trained staff or FDA out in the field before going out themselves. Next year more individuals will be trained. FDA is planning for a class in Portland next year. At some point ODA will do full scope PC inspections for facilities not on contract, there is no timeline currently for this. We are still assessing which firms are Full Scope PC firms

Comments from industry:

Industry hearing on PC- that the inspections are going well, relationships are better, and learning education process.

Appendix T being an issue for multiple inspectors / agencies showing up for more frequent overlapping inspections.

The inspections seem to be focusing more on verbiage not food safety.

### **Cyanotoxins: Isaak**

Draft language for guidance to food processors was shared along with a copy of the project plan for testing food products for cyanotoxins.

A brief explanation of OHA new rules requiring testing for cyanotoxins was discussed. OHA requires water systems to test between the beginning May through October. There are sixty water systems required to test. If cyanotoxins are detected, the water system is required to notify their customers. So far this year there have been no advisory notices from any water systems. Guidance for a vulnerable population advisory are in line with guidance provided to firms during the City of Salem's advisory last year. Guidance for general population advisory notices differs in that no water will be allowed to be used to produce beverages or ice. The water will still be allowed for use in cleaning and sanitizing as well as food contact and as a food ingredient. OHA and ODA will be implementing temporary rules to make this a requirement for this season and will make them permanent for next season.

### **Returnable Containers: John**

A letter that was sent to the Pacific Green Party in response to a petition the agency received requesting that a store be allowed to use returnable containers in retail stores was provided.

Establishments are wanting to be greener. Customers are wanting no plastic. There are some grocery stores that were allowing customers to bring in their used non-durable containers and refill them with food items (for example Nancy's yogurt).

Other stores would clean the non-durable containers that customers had returned and once the containers were cleaned, they would put the containers for use by other customer.

Go Box is another example. Go Box has durable reusable containers that are sold to customers for use. The customer fills the container and once empty they return it. Go Box takes containers from consumers off site to be clean sanitized and returned.

ODA is scheduling a stakeholder meeting with industry and interested parties to discuss this issue and determine the best process to move forward with finding a solution that addresses food safety and the desire to reduce plastic waste.

City of Salem plastic bag ban has been running smoothly as far as we know.

There has been one complaint about reusable bags. The complainant is concerned that employees in retail stores are not cleaning down the conveyor belt to keep it sanitary. The complainant is concerned about individuals bringing in their bags that perhaps not being cleaned.

### **Custom Meats: Rusty**

The Oregon Department of Agriculture (ODA) has recently become aware that there is inconsistency in the enforcement of the statutes and administrative rules for the slaughter and processing of non-amenable species of meat animals. Specifically, with Oregon Revised

Statute (ORS) 603.045(2) requiring custom slaughter and processed meats to be marked with “Not Inspected” and “Not for Sale”. It has come to our attention that, over the last few years a small number of businesses may be working outside the regulatory framework by custom slaughtering and processing meats with subsequent sales of the meat. Some examples of the species include bison, alpaca, and yak. ODA will hold a stakeholders meeting with meat industry representatives and other interested parties to discuss solutions.

### **Dairy Update: Karel**

NCMIS meeting was last April and talked about new proposals. This Fall, all adopted changes should be incorporated in the new 2019 version of the PMO for final review. The new PMO in hard copy form should be available Spring or Summer of 2020. The PMO is reviewed every two years by industry, local governments, and the FDA. Appendix T inspections are completed by the FDA Milk Specialist during a check rating inspection. These inspections take about two days to complete: one day for the Appendix T requirements and one day for the sanitation inspection. If a plant fails to meet Appendix T requirements, then it’s up to the state Rating Officers to do a re-rating within 60 days.

The Appendix T inspection by the FDA Milk Specialist requires that ODA’s Dairy Specialist and the routine inspector be present; so, if an inspection takes two days, then both food safety employees would not be able to do their routine inspections during that time.