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ENVIRONMENTAL HEALTH DIVISION

FOOD SAFETY ADVISORY GROUP

MINUTES

JULY 16, 2013

TAHOE ROOM ** 202 MIRA LOMA DRIVE, OROVILLE

I. Preliminary Items

A. Call to Order

Linda called the meeting to order at 9:04 a.m.

B. Roll Call and Determination of Quorum

Brian Wong (large restaurant), John Geiger (mobile food facility), Heather Hacking (news media), Stephen Kenny (community event organizer), Chris Kerston (farmer's market/local food), Adam Urgeago (small restaurant), and Linda Baker (school nutrition) were present. Dean McKelvey (minimart) and Mike Ward (large market) were absent.

C. Introduction of Guests

Peter Bridge attended a guest. Brad Banner, Leslie Roberts, Mike Huerta, and Megan Herrenkohl (intern) attended the meeting on behalf of the Public Health Department.

D. Minutes from Previous Meeting

Chris made a motion to approve the minutes as written. John seconded the motion and the motion passed unanimously.

E. Public Comment

None.

II. Informational Non-Action Items

A. Review of Updated Online Food Inspection Reports

Brad reported that staff is using their database program for inputting inspection observations, but there are still some problems with the Crystal Report that is needed to generate a completed inspection report from the database information. Brad said that the system would be up and running and would be demonstrated at the next committee meeting.

III. Action Items

A. By-Laws Update

1. The group reviewed the draft updated by-laws. The proposed change is to replace the California Independent Grocers Association membership category with a Citizen-at-Large category.

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2. Stephen made a motion to approve the revised by-laws. Brian seconded the motion, and the motion passed unanimously.
 3. Brad appointed Peter Bridge to the committee to fill the citizen-at-large position.
- B. Non-Payment of Food Facility Permit Fees
1. Brad described the problem of food facilities that do not pay their permit fees and how Environmental Health has historically been responding. The current practice has been to:
 - a. Send a billing at the end of November (payment due by December 31)
 - b. Send a second billing at the end of January with 10% penalty
 - c. Send a third billing at the end of February with 50% penalty
 - d. Send a letter, warning of enforcement if the fee isn't paid within an additional 30 days
 - e. Send a Notice and Order, warning of closure if the fee isn't paid within an additional 14 days
 - f. Visiting each individual facility by the Environmental Health inspector and a manager to post the facility for closure if the fee isn't paid within an additional 24 hours.
 2. Brad noted that at the current time there are about 10 facilities that are operating without a permit because they have not yet paid their fees and Environmental Health is in the process of posting them.
 3. Brad stated that this process has been time consuming for Environmental Health staff and is inequitable for the facilities that pay their fees on time. Further, it would be unfair for Environmental Health to have to raise fees for everyone to cover the expense of dealing with a few facilities that do not pay their fees until they actually face closure.
 4. The committee discussed the difficulty of businesses to pay all their fees and expenses, noting that a payment plan option is needed and noting that businesses get numerous billings at the end of the year. The committee also expressed concern about facilities being allowed to operate without a permit and the potential liability of having a foodborne illness outbreak from a facility allowed to operate without a permit.
 5. Committee members reached the following consensus of how the billing situation should be addressed in the future:
 - a. The initial billing should be initiated earlier in the year. Instead of billing at the end of November, the initial billing should be at the end of October with the expectation that facilities need to pay their fee and be permitted by the beginning of the next year.

California Retail Food code, hot holding potentially hazardous food (other than food from “limited preparation”) could not be allowed for open MFFs and allowing it could pose a serious liability risk for the county.”

3. Chris inquired whether the mitigating measures, if followed, would keep the food safe, and the group agreed that the mitigating measures would be fully protective if followed.
4. Linda tabled further discussion of this and other MFF issues until the next meeting due to the time and said that the MFF issues would be first on the agenda at the next meeting.

IV. **Agenda Preparation for Next Meeting**

- A. At the next meeting, the advisory group will review the updated web reporting of food facility inspections, complete the discussion of measures to allow MFFs greater operational flexibility, and discuss feedback received at public workshops in regard to the proposed placarding program and next steps toward implementation of the program.
- B. The next meeting will be the third Tuesday of September, September 17, in the Tahoe Room from 9:00 a.m. to 11:00 a.m.ⁱⁱ

V. **Adjourn**

The meeting adjourned at 11:10 p.m.

Minutes provided by Brad Banner, Environmental Health Director

Notes from Brad:

ⁱ The committee’s recommendation that the yellow placard not be issued unless the identified major violations are observed again during the re-inspection negates the effectiveness of the placarding program by not giving food facilities a clear incentive to proactively prevent the occurrence of major violations in the first place. For example, if a facility does not hold potentially hazardous food at safe temperatures and Environmental Health observes the violation occurring during a routine inspection (which only occurs twice a year), to retain a green placard the facility would need only correct the violation during the inspection and then prevent the violation from recurring when the facility is re-inspected the following day.

In addition, the placarding program requires all facilities to have a placard posted at all times. If the green placard is absent between the initial and follow-up inspections, even for only 24 hours, the requirement will not have been met and the public would be unable to discern whether the facility was in the process of correcting violations or simply refusing to post their placard.

For these reasons, I am not able to follow the committee’s recommendation on this element of the program. However, as an alternative, I would proposed a 6-month “soft” implementation of the new program, during which time no placards would be issued and instead facility operators would be informed in-depth about the placarding program and what placard they would have received had the program been fully implemented. This would prepare facilities for the new program when it is fully implemented.

ⁱⁱ I am going to work with committee members to try to find an alternative date or time for the next meeting, due to a scheduling conflict with leadership training sponsored by our county’s Chief Administrative Officer.