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ENVIRONMENTAL HEALTH DIVISION

FOOD SAFETY ADVISORY GROUP

MINUTES

SEPTEMBER 17, 2013 (REVISED)

TAHOE ROOM ** 202 MIRA LOMA DRIVE, OROVILLE

I. Preliminary Items

A. Call to Order

Linda called the meeting to order at 3:05 a.m.

B. Roll Call and Determination of Quorum

Dean McKelvey (minimart), Brian Wong (large restaurant), John Geiger (mobile food facility), Heather Hacking (news media), Adam Urteago (small restaurant), Peter Bridge (citizen-at-large), and Linda Baker (school nutrition) were present.

Stephen Kenny (community event organizer), Chris Kerston (farmer's market/local food), and Mike Ward (large market) were absent.

C. Introduction of Guests

Lalana Deichler (Oroville Hospital) attended a guest. Brad Banner, Elaine McSpadden, and Jennifer Veilleaux attended the meeting on behalf of the Public Health Department.

D. Minutes from Previous Meeting

Brian 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 the website improvements were not yet in place.

III. Action Items

A. Mobile Food Facility (MFF) Issues and Challenges

1. Issue One: Should unenclosed MFFs be allowed to hot-hold potentially hazardous foods without a ware washing sink?

a. The group discussed the issue of allowing unenclosed food carts without ware washing sinks to serve hot-held potentially hazardous food that had been prepared in the MFF's commissary.

- b. Brad presented information from Lake and Mariposa Counties and from Susan Strong from CDPH. Brad’s conclusion was that the “Single Operating Site” provisions in Cal Code do not apply to mobile food facilities other than those in fixed positions such as shopping malls and that the only provision in Cal Code that would seem to preclude the hot holding of potentially hazardous food on MFFs is the lack of ware washing sinks.
- c. Peter reiterated his position that hot holding of potentially hazardous food in an unenclosed food cart did not meet the requirements in Cal Code and would create unfair competition with brick and mortar food facilities. He also stated the following concerns about hot holding potentially hazardous food in an unenclosed cart:
 - i.) Temperature control would be difficult, especially in the winter
 - ii.) Food adulteration was possible from exposure to the wind and bacteria
 - iii.) No separation between where food was being handled and sick customers surrounding the cart
 - iv.) Food will be held longer than 4 hours and will not be discarded after that period if not consumed
- d. Linda pointed out that it is a positive thing to allow flexibility in requirements MFF as the use of MFFs evolves if it will result increased compliance with important health and safety codes.
- e. A series of motions, seconds, and further discussion ensued. In the process, Brian asked how Environmental Health can assure that MFFs actually prepare the potentially hazardous food in an inspected commissary rather than in an unpermitted facility such as a home. Peter suggested requiring sign-in sheets or time clocks at commissaries. Dean cautioned against holding the commissary owner responsible for the use of the commissary by the MFFs.
- f. Peter asked Brad to state his determination whether unenclosed MFFs could hot-hold potentially hazardous foods prepared in a commissary. Brad stated that he believed that doing so was consistent with Cal Code because the food wasn’t being prepared on the cart.
- g. Heather asked whether there were potentially hazardous foods more hazardous than chili that would be allowed if the advisory group recommended approving the hot-holding of *any* potentially hazardous food on an unenclosed cart. Brad replied that foods in-

volving a complex preparation process in the commissary could be more hazardous than food that is commercially canned and ready to eat out of the container.

- h. John made a motion that the advisory group recommend that Environmental Health allow the hot-holding of potentially hazardous food on unenclosed MFFs. Peter seconded the motion, and the motion failed 3 in favor (John, Linda, Dean) and 4 opposed (Peter, Adam, Brian, Heather).

2. Issue Two: Can tents be used in conjunction with MFFs other than at community events?

John made a motion that MFFs use of tents continue to be restricted to community events. Adam seconded the motion, and the motion passed unanimously.

3. Issue Three: Can open air BBQs or wood burning stoves be used in conjunction with a MFF?

- a. Peter stated that the reason that Cal Code restricts the use of tents to community events as that community events:

- i.) Benefit the community
- ii.) Have an event organizer to oversee the operation
- iii.) Are easier to inspect because they operate at a specific location and at a specific time and one visit by the inspector can facilitate inspection of multiple vendors

- b. John made a motion that MFFs use of BBQs continue to be restricted to community events. Adam seconded the motion, and the motion passed unanimously.

Note: During the meeting, John spoke in favor of all three proposals on behalf of greater flexibility for MFFs. He made the motions on Issue Two and Issue Three in order to bring the matter up for a vote.

B. Placarding Review

1. The advisory group discussed the positive response by industry to the placarding proposal but noted that they received an email expressing concern about facilities getting a yellow placard without an opportunity to correct the violations.
2. Dean reported that he attended two of the workshops and received follow-up calls from two people from Paradise and three from Oroville. The callers told him that they shared the concern he expressed about the QR codes. He also reported that one person contacted him and expressed three concerns that she asked him to convey to the advisory group:
 - a. She was not in favor of QR codes.

- b. She thought there should be only a green placard, so that facilities would either have a green placard or no placard at all and customers could do their own research such as inquiring of the manager if no placard was posted.
- c. She suggests that when Environmental Health inspects a food facility twice a year, one of the two inspections should be scheduled so that the manager could give the facility a thorough cleaning and Environmental Health could be assured that facilities would be thoroughly cleaned at least once a year.
- d. Brian suggested that after the 6-month pilot program to introduce the placarding program that brand new facilities should receive their first inspection without placarding so they could become familiar with the program. The committee then discussed whether or not the new facility should start out with a green placard.
- e. Brad informed the group that a series of workshops have been scheduled for the general public and would be held as follows:
 - i.) Monday, November 4, at the Paradise Town Hall from 4 p.m. to 6 p.m.
 - ii.) Wednesday, November 6, at the Gridley High School Cafeteria from 4 p.m. to 6 p.m.
 - iii.) Tuesday, November 12, at the Chico CARD Center from 4 p.m. to 6 p.m.
 - iv.) Wednesday, November 13, at the Oroville City Hall from 4 p.m. to 6 p.m.

IV. Agenda Preparation for Next Meeting

- A. At the next meeting, the advisory group will review input from the general public concerning the proposed placarding program and next steps toward implementation of the program.
- B. [The next meeting will be the third Tuesday of November, November 19, in the Tahoe Room from 9:00 a.m. to 11:00 a.m.](#)

V. Adjourn

The meeting adjourned at 5:10 p.m.

Minutes provided by Brad Banner, Environmental Health Director