

FOOD SAFETY ADVISORY GROUP

MINUTES

JANUARY 20, 2014

TAHOE ROOM ** 202 MIRA LOMA DRIVE, OROVILLE

I. Preliminary Items

A. Call to Order

Linda called the meeting to order at 9:02 a.m.

B. Roll Call and Determination of Quorum

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

Brian Wong (large restaurant), Stephen Kenny (community event organizer) were absent.

C. Introduction of Guests

Michael Shepherd, Teesa Shepherd, Andrew Shepherd, Teri Fichter, and Duane O'Donnell attended as guests. Brad Banner and Kimberly Hunt attended the meeting on behalf of the Public Health Department.

D. Minutes from Previous Meeting

Dean made a motion to approve the November 19 minutes. Linda seconded the motion and the motion passed unanimously.

Note: There has been ongoing confusion about motions concerning Mobile Food Facilities in the September 17 meeting as reported in the minutes for that meeting. The confusion will be addressed during this meeting by placing this item again on the agenda.

E. Public Comment

None.

II. Action Items

A. Mobile Food Facilities Issues and Challenges

1. Issue One: Can potentially hazardous food be prepared in an approved commissary and hot held on a food cart that is not equipped with a three compartment ware washing sink?

a. Brad made some preliminary remarks about recent conversations with the Matt Sutton, Vice-President for Government Affairs of

the California Restaurant Association (a member of this advisory group), Paul Somerhausen, Director of SactoMoFo (large MFF event organizer in the Sacramento area), and EH Directors from other counties regarding issues regarding the issues of flexibility and consistency for Mobile Food Facilities.

- b. Peter shared correspondence with Sheryl Baldwin (CCDEH) and Susan Strong (CDPH). The correspondence verified the state's position that unenclosed carts should be restricted to Limited Food Preparation. Peter also expressed concern that supporting this item would open the door to a variety of other potentially hazardous foods being kept hot and served from an unenclosed cart.
- c. John provided the history of the issue, stating that at one time chili was not allowed to be served from his cart and then EH allowed it pending review of the matter by the advisory group, and now it is no longer allowed. John stated that it is not a "make or break" issue for him.
- d. Adam asked Brad how many unenclosed carts hot held food and Brad and Kimberly replied that they were aware of only one unit. Adam then asked what the response had been to disallowing the practice and Brad responded that he has not received any feedback one way or the other from carts.
- e. Dean made a motion to say "no" to this issue based on the information discussed at the meeting. Adam seconded the motion. Richard asked that the motion be amended to specify that EH can change their approach to this issue based on future changes in state law. Dean and Adam agreed to Richard's amendment, and the motion passed 6-0 with John abstaining because the motion would directly affect his MFF.

2. Issue Two: Can tents (pop-ups, screened enclosures) be used in conjunction with MFFs other than at community events?

- a. Dean, and subsequently Richard and Linda, noted that placing different requirements on MFFs operating at various locations throughout the community than on MFFs operating exclusively at community events did not make sense from a public health or foodborne illness prevention standpoint.
- b. Peter pointed out that community events are more readily inspected by the health department because a number of MFFs and vendors can be inspected at one time and at single location and that community events have event organizers with responsibility for overseeing the event.

- c. Dean asked Brad how changes can be made to the Retail Food Code. Brad reported that changes to the code can be requested through the California Retail Food Safety Coalition (CRFSC) and would bring more information about this group to the next advisory group meeting.
- d. Adam recommended that this item go to the CRFSC.
- e. Michael presented the history of Pop's Pizza's use of a pop-up screen for allowing the public to watch the crust being formed and the pizza assembled before it has been heated in the oven. Photographs of the operation were distributed. Michael stated that prohibiting the use of the pop-up would put their operation out of business. It was noted that Pop's Pizza reheats and serves only ingredients that have been purchased pre-cooked.
- f. Dean made a motion to allow the use of tents by MFFs based on the following criteria:
 - i.) Require prior approval from the municipality and property owner to assure there will not be code enforcement issues
 - ii.) Allow no raw meat in the tent
 - iii.) Allow no cooking in the tent
 - iv.) Allow only assembly of foods that are either non-potentially hazardous or that have already been cooked in the MFF or at an approved commissary
 - v.) Require that any MFF utilizing the tent be equipped with an approved ware washing sink on the MFF or in an approved commissary or food facility immediately adjacent to and available for use by the MFF
 - vi.) Require an approved hand washing facility on the MFF that is readily accessible to (and less than 25 feet from) the food handlers working inside the tent
 - vii.) Provide written operational procedures to verify that the mitigations will be followed and that the tent will not be used if it becomes soiled

Richard seconded the motion, and the motion passed 4-2, with one abstention.

3. Issue 3: Can open air BBQs or wood burning stoves be used in conjunction with a MFF other than at community events or in conjunction and on the premises of a permitted “brick and mortar” food facility?
 - a. John described the situation with Hunter/Farmer MFF, which does not have cooking inside their facility and would like to be able to cook outside the unit.
 - b. The group discussed that code and how it is relatively clear that BBQs and wood burning stoves next to MFFs are only allowed at community events.
 - c. Linda made a motion to say “no” to this issue based on the information discussed at the meeting. Peter seconded the motion, and the motion passed 6-0, with one abstention.

III. Informational Non-Action Items

- A. Placarding Implementation Plan (this was on the agenda as an Action Item)
 1. Brad distributed a draft implementation plan
 2. Adam suggested that the requirement for posting placards begin January 1, 2015, and prior to that date placards be issued but not posted. Then on the date when placards are required to be posted, all facilities post the placards they have been given but up to that time not posted.
 3. Dean recommended that a public education component utilizing the press be added to the implementation program.
- B. Permit Renewal Procedure
 1. Brad updated the group on the procedure being followed this year for collecting permit fees and assuring that all food facilities have a current permit-to-operate. Billing statements went out at the end of October and notices of delinquency went out in early January. Currently 172 facilities have not paid their permit fees and are therefore operating without valid permits. Facilities without permits will closed March 1.
- C. Feedback from Billing Questionnaire
 1. Brad brought a packet of evaluations of the food program and staff that have been returned by retail food facilities paying their permit fees.
Note: There was insufficient time to distribute the evaluations, so they will be circulated at the next meeting.

IV. Agenda Preparation for Next Meeting

- A. The group discussed changing the day of the meeting and what other date might be more suitable for the members. Two members preferred Wednesday and two members preferred Tuesday. Further discussion of this matter was tabled until a future meeting.
- B. Agenda item for the next meeting

1. Changing the code through interaction with the California Retail Food Safety Coalition (CRFSC)
 2. Placarding implementation plan
 3. Review of food program and staff evaluations
- C. [The next advisory group meeting will be Tuesday, February 18, in the Tahoe Room at 202 Mira Loma Drive.](#)

V. **Adjourn**

The meeting adjourned at 11:05 a.m.

Minutes provided by Brad Banner, Environmental Health Director