

**WALHDAB-EH Section**  
**Wintergreen Resort, Wis Dells**  
**Date: July 16, 2009**

**Present:** Present: Dale Grosskurth, Nancy Eggleston, Jamie Berg, Tim Mirkes, Jason Aho, Paul Andraud, Kevin Hulbert, Don Wick, Nicole Hunger, Michelle Williams, Patty Lombardo, Brian Hobbs, Tim Anderson, John Hausbeck, Courtenay Johnson, Ron Berg, Gary Garske, Tim Banwell, Anthony Fraundorf, Gloria Smedema, Hsing-Yi Hsieh, Jeff Phillips, Carol Johnson, Bruce Kress, Lisa Hodgins

Guests: Warren Brockmeyer, Dept. of Workforce Development, Chuck Warzecha, and Mike Barnett  
Recorder: Nancy Eggleston

<b>Topic</b>	<b>Major Points Discussed</b>	<b>Action Required</b>	<b>Assigned To</b>	<b>Due Date</b>
<b>Minutes</b>	Minutes from April 2009 approved Motion to approve minutes carried.	<b>None</b>		
<b>State Furlough days (Barnett)</b>	Employees must take 8 unpaid days off per year. 4 days will be total closure of DATCP buildings – Columbus Day (10/12/09, day after Thanksgiving (11/27/09, President’s Day (2/15/10) and Friday prior to Memorial Day ((5/28/10). The other 4 days are floating days chosen by the individuals.	<b>None</b>		
<b>Health Space (Warzecha/Barnett)</b>	DATCP has been meeting with DHS. Ag is interested in Health Space. Will start a small pilot this summer and will decide in fall or winter. Moving to one system will be difficult. They would like to use this on all other food inspection including wholesale and dairy farms as well. This may be difficult (hardware concerns) for farm use. And WDATCP has cost concerns. Per Chuck Warzecha, DHS is in the process of adding additional agents to use Health Space, doing addl training with own staff as well. They will offer as much training as possible as the data is very important to Central Office. Are excited about Ag adopting the program as this will	<b>None</b>		

	assist reporting by agents as well			
<b>COOL (Barnett)</b>	Country of Origin Labeling (COOL) – DATCP rec'd a small USDA grant to be used this year. Two DATCP staff members have been trained by USDA. These two will train 10 DATCP inspectors and these folks will go to 80 retail establishments, statewide, in 2009. They will review store for COOL label and invoice compliance on fresh and frozen fruits and vegetables, meat and seafood. Inspectors will ID themselves, operators will be given a checklist of findings, a COOL brochure. USDA will review DATCP reports. DATCP will not take on-site regulatory action. USDA will generate a letter to operators to ensure that there is compliance. We can refer questions or complaints to WDATCP's Jill Ball or Larry Hanke OR to USDA directly (phone or e-mail). They are looking primarily at labels and invoices. The website for information is <a href="http://www.ams.usda.gov/cool">www.ams.usda.gov/cool</a>	<b>None</b>		
<b>WI Food Code timeline for update and modifications (Barnett)</b>	DATCP and DHS are planning on revising the WI. Retail Food Code. The new code will be based on 2009 FDA Code. They do plan on meeting with industry and local agents for updates on WI food Code changes. FDA has not yet published 2009 FDA code. WDATCP & WDHS plans to start meeting and revising in Fall 2009	<b>None</b>		
<b>Evaluation of agent food programs, Update (Barnett)</b>	DATCP has done the field component for 4 agent evals this year. Has one more eval scheduled for Sept. 09. Two more evals are planned for later in 2009.  St Croix, Jefferson/Watertown, city of Franklin are new DATCP agents this year.	<b>None</b>		

<p><b>Self-Assessments (Warzecha/Barnett)</b></p>	<p>2008-2009 Self-assessment were sent out in early July 2009 thru James Mack. Want these back by 9/30/09. There were some modifications. In order to achieve an accurate baseline of data they took off some opportunities to list “No changes box” since last year. The “no changes box” option should reappear in subsequent year.</p>	<p><b>None</b></p>		
<p><b>Certificates of Completion (Warzecha)</b></p>	<p>Commerce has run into cases where pools are opened and licensed by DHS or agents without the COMM plan approval. Just to reinforce that WE DO NOT ISSUE LICENSES UNLESS THE PLAN HAS BEEN APPROVED BY COMM. Commerce may approve the plan with conditional approval. Commerce inspector has said that they do not go back to look at the conditional approval corrections. Not sure if they are issuing drain approval. Licenses are not withheld on retrofits. CPSC commissioner was put on the spot and advised all pools be closed if not in compliance. DHS does not agree that this is the appropriate action to take. For new pools, the drain covers will be the VGBA approved covers. DHS wants to keep pools open to encourage physical activity. We are required to get them into compliance, but we use enforcement discretion and can allow them to work toward compliance. Next year we will be more in enforcement mode. The risk is not as high as other health issues associated with pools. Commerce has not taken the position that all pools must make the changes asap. They are ensuring that those making the changes get the full approval and make the proper changes. Contact Shane Sanderson with questions.</p>	<p><b>None</b></p>		
<p><b>Food Mgr Cert (Warzecha)</b></p>	<p>WRA is pushing legislation to require recertification by exam every 5 years. This is consistent with DHS intentions as well. Would expect to see language submitted by late summer or early fall. Certificates were backlogged but are now moving along better. Now they are a few weeks behind schedule on</p>	<p><b>None</b></p>		

	<p>getting the certificates out.</p> <p>Is there any consideration of having a CFM present any time the establishment is in operation? Not at this time, per CW.</p>			
<p><b>Nutritional Labeling (Warzecha)</b></p>	<p>At Federal level there is discussion requiring restaurants to include nutritional info at the point of ordering—transfats, sodium, etc. Am Heart Assoc is one of the partners negotiating on having this done. A few metro cities already have this requirement. There is movement at the state level to make this a requirement in WI. There are questions regarding quality assurance, testing, lab requirements, and enforcement. This would be a PH improvement but needs to be workable for our facilities. The WRA feel their members are best served if they can delay as long as possible. They prefer to wait for Federal legislation. WRA did not outright oppose this, but want their members to be prepared for this change since this is coming from the federal level. Chuck will talk with Susan Quam of WRA.</p>			
<p><b>Nitrate Health Advisories Warzecha</b></p> <p><b>Mgmt System of FSRL Program (Warzecha)</b></p>	<p>DHS working with DATCP and DNR on consistent messaging on nitrates. This will help those who work with TNC's. DHS health advisory language will be utilized by DATCP and DNR in their messaging. We are still using 10 as drinking water standard with two sets of language to describe the risk. Infants and pregnant women must not drink if water above 10. For those outside this group, it is not recommended that drinking water with nitrates above 10 be used long term. 2 is the preventative action level, it is 20% of the enforcement standard, so that is used in the Health Ranking report.</p> <p>We need to come up with a better system of measurement if we want to change the parameters used for the rankings.</p> <p>The program is split with neither Jim nor Chuck supervising regional office staff. They would like to look</p>			

	<p>at who has control over budgets, How do they work with agent health depts. to include them in decision making, making it a more collaborative system. They are meeting with regional staff to see what the ideal mgmt system would be. They try to be collaborative, but know it can be better. They have been working with the WALHDAB Environmental Health group as their sounding board. Jim has no authority over regional sans—he has been involved in getting the regional offices on board with inspection requirement following the bad press on the lack of insp by State staff. Temp staff has been utilized to get things back on track, but again, regional offices are run by the regional directors as the mgmt over State staff. Draft policies are sent thru regional coordinators and ask that they distribute policy changes to regional staff.</p>			
<p><b>Temp Restaurants (Warzecha and agents)</b></p>	<p>Youth School Fundraisers not sports related must get Special Organization permit</p> <p>Food Service by Non-Profits on a Rotational Basis at businesses</p> <p>Requirement for food services to be associated with a single Temporary event. What is the history of this requirement?</p> <p>Clarification of Special Organizations vs Non-profits</p> <p>Temp restaurants get 14 consecutive days and 20 nonconsecutive days while a special organization gets 4 – 12 days per year. The Special Org going over 12 days pays a full rest fee, while the temp rest pays less</p> <p>Ag stands at Temp events with no previous license and no inspection by Ag—how to handle</p> <p>If no state license for retails, Tim Anderson, licensed them. He will send out</p>			

	<p>Tim Mirkes, City of Appleton, allows 3 days per non-profit for \$28. They have a mandatory training for the FS workers—They are 2 hour trainings covering food safety, fire dept regs, etc. Participants need to sign in and sign out. If they fail to do this, they don't get to participate in the event. They have the application and food san info on their website. This is offered a couple of times, and those on their 5<sup>th</sup> year get a shortened training session.</p> <p>Fond du Lac Co allows non-profits to go. BOH wants them to do a health check on Ice cream truck vendors.</p> <p>Non-profits still need temp food license. There is no break due to non-profit status .</p> <p>Don Wick suggests adhoc committee on handling of temps.</p> <p>Per Chuck Warzecha, a group needs to get together to make sure all situations are handled the same way. Chuck suggested that all operators would be licensed in the county they first show up in, then each co after would charge inspection fee. Closures would be respected by others as well. Health Space will show the certified food mgr.</p> <p>Ag issues mobile licenses but they are not required to have a base. Should the 51/49 rule apply to mobile ag license? They apply it annually. So ag units can do total restaurant food for 25% of the time. An ag mobile can do restaurant food if they annually do less than 25% restaurant food and there is no verification of this fact.</p> <p>Courtenay Johnson is asking that we all get together to uniformly handle the operators.</p> <p>Jason from Neenah, stated, if there are bad players there is no way to let people know. Can the State send out a notice to let all counties know of problem operators.</p>			
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	Refer this to Policy and Interpretation Committee for study on code requirements for each department. Membership of the committee is Ag, DHS, Agents and State staff.			
<b>Legislative Issues (???)</b>	School indoor air SB41 DPI initiative  City of Milwaukee has allowed pool not to have lifeguard. Milwaukee Athletic club needs no lifeguard per budget bill.			
<b>WALHDAB Org Issues (Eggleston)</b>	WALHDAB is in 3 <sup>rd</sup> year of their strategic plan and will be looking to develop a new plan. Those interested may be able to assist with the process. New officers were elected at the annual conference—Fayle Tetzloff of Portage Co is the HD chair and the co-chair Mary Kay The Specialty Group guidelines will be addressed in the upcoming year with the new BOD members.			
<b>State Sans request to attend WALHDAB Environmental Health mtg. (Grosskurth/Warzecha)</b>	Carrie Pohjola is the regional coordinator in the Western region. There is no similar forum for State staff to look for clarification or discussion of local issues. This group will help her provide info to her staff and get a better understanding of what is going on with the agents in the region. Suggestion to ask about WALHDAB BOD about suitability of this. There will be no voting by the State Sans. They would be attending as guests.	Ask WALHDAB BOD for opinion on allowing State Sans attend the specialty group meeting, and if so, how many are to be allowed at the meeting—one to represent all regions, or all 5 regional Sans.	Nancy	<b>Next BOD mtg</b>
<b>CEU's for RS (Grosskurth)</b>	Doug Gieryn is on the RS Advisory Committee and they are looking into requirements around CEU's for RS's. He would like input on support from this group. If we are interested in this, the group would like a letter of support from our group. The 140 review teams asked about how staff members are kept current. REHS exam thru Wisconsin does not require CEU's. Those getting the REHS outside of WI, are required to get CEU's. The	We will check to see if other states have the requirement.  Eventually will check with BOD to see if they would support this requirement.		

	<p>idea of the group would require statutory changes so a change would take time. There are non-paid options to get CEU's. ORA-U is an option. The proposal for CEU's put forth by the RS Advisory Committee must show that there is a need for CEU's and continuing training, not just a "want" for more training.</p> <p>To support the issue, the fact that WI has lower standards than the National standards for NEHA registered individuals. Is licensure outside WI affected by the lack of CEU's for WI?</p>			
<p><b>Local Issues</b></p>	<ol style="list-style-type: none"> <li>1. Consideration of a 15 mo license for DATCP retail establishments, consistency with DHS, internal consistency of retail program for State and agents. This would require statutory change to happen. For businesses purposes they might go up to 14 month.</li> <li>2. How many municipalities have local ordinance about branding, scarification, or implants? Appleton, West Allis (Terry Brandenburg) have prohibitions on this.</li> <li>3. Carbon Monoxide Law DCOMM has released brochures (2/09) explaining the new law. It states the fire dept. inspectors will be checking the installation of CO alarms during annual fire safety inspections. Is this a change for us? Per Chuck, draft code language was originally there for emergency rule, but that time came and went, DHS attorney's are questioning if this needs to be done before 2010. The commerce implementation timeframe was immediate. The statute differentiated between types of facilities, so DHS needs language to address that.</li> <li>4. NEHA report from attendees. Dale—12 million dollar inspection, a restaurant in Maricopa Co, AZ complained after 2 years that violations noted did not exist. These violations caused a drop in business. The attorney went back thru the past years of performance reviews, questioned the electronic signature without the proper written name printed out by the signature, and info added to the insp report after the</li> </ol>			

	operator got the copy of the report.			
<b>Warren Brockmeyer Dept of Workforce Dev</b>	<p>Dept of Workforce Development report by Warren Brockmeyer, regarding youth and food service safety issues. He is asking for our help to protect the safety of youth employed in WI. He asks that the Workplace Safety training materials be placed in a 3 ring binder to help employers talk to employees regarding safety in the workplace. He is asking for help to hand this out. He reviews injury reports for youth and checks to see if they were trained properly on the equipment and the reason for the injury. Fines are imposed for those in violation. The employer can document the receipt of the materials and the training materials. WRA is distributing the materials to restaurants that request it. All employees are covered by workmans's comp. DWD will apply fines to employers at temp food events as well. OSHA does the investigation and can impose fines and penalties, but injury review is done by DWD. The website for information is:  <a href="http://www.dwd.state.wi.us/wc/safety/safety_initiative.htm">www.dwd.state.wi.us/wc/safety/safety_initiative.htm</a>  Warren may be called at 608-266-4541.</p>			
<b>Local Issues</b>	<p>Which agencies are inspecting taverns with no food involved? City of Appleton Public Eating and Drinking Establishments code, allows insp of nonfood drinking establishments based on food code requirements. Charge is \$130 to 140 range.</p> <p>Dale needs a new temp food establishment brochure in Spanish.</p> <p>Ag Mobile stand not previously licensed so Tim Anderson wondered if anyone charged a PI fee for a mobile Ag stand. Mixed opinion is as to whether to charge them a PI fee as an Ag mobile, or just charge them as a temporary.</p>			

<b>Reimbursement Rate (Warzecha/Barnett)</b>	The rate will remain at 10% for both programs, but DHS may have this at 20% if self-assessments are not done to stay in line with DATCP requirements.			
<b>Meeting was adjourned</b>	Approximately 2:00 p.m.			
<b>Next Meeting</b>	October 16, 2009 9:30 AM -2:00 PM at Tony Romas in Rothschild.			
	Minutes Respectfully Submitted, Nancy Eggleston			