

October 25, 2017 Food Safety Conference Call Notes

ODH Agenda Items:

1. Food code/3701-21-25 rules
 - a. ODH/ODA are conducting 5 year review of food code. ODH is also proposing changes to certification rules. Both sets of draft rules were sent to LHDs on 10/13/17.
 - b. The draft rules were discussed @ the RFSAC meeting on October 18, 2017 with council members and additional stakeholders; many comments were provided.
 - c. Written comments may be submitted to ODH until October 31 during informal comment period.
 - d. An additional council meeting may be held in the near future for further discussion on rules.
 - e. Once rule review is finalized by ODH/ODA, they will go through rule adoption procedures which will include official posting on ODH website with 30 day comment period.
2. Proposed new food inspection form
 - a. ODH/ODA are collaborating w/ OEHA and AOHC to amend the food inspection form.
 - b. The new form will mirror FDA checklist format.
 - c. ODH will be working w/ HealthSpace to amend form in database.
 - d. ODH/ODA will provide training to LHDs once the form is complete.
 - e. Food surveys are postponed by ODH and ODA until March 2018.
 - f. For LHDs enrolled in the FDA Retail Program Standards, the new form may assist them with meeting some standards.
 - g. ODH and ODA are also working on two documents: a marking guide that sanitarians can use during inspections to match food code sections with the item numbers on the form; and a more extensive document that ODH/ODA will use to train LHDs on using the form, and LHDs can use to train their own staff.
 - h. Question: will there be changes to CCP/Process Review forms? Answer: there may be changes to these forms; this is still being discussed by ODH and ODA.
 - i. Question: What is the timeline for using the form? Answer: ODH and ODA are proposing that the new form will be used starting March 1, 2018.
 - j. Question: Will ODH partner w/ HDIS and other databases used in Ohio? Answer: we are happy to provide any information they need; this has not been discussed yet.
 - k. Question: When will training be provided? Answer: It depends on when the form is finished; a training schedule has not been developed yet.
 - l. Question: Is there a copy of the form we can see? Answer: the form is not finished, so it has not been sent to LHDs yet. It will be sent once it is finished. If you would like to see the FDA form in which it is based, go to the FDA food code on the FDA website. But the Ohio form will not match this form exactly.
3. Cost methodology reminder – The Food cost methodology must be submitted to ODH and ODA by January 1.

- a. Make sure you include the anticipated cost worksheet, certification page w/ Health Commissioner signature, and please include your fee schedule.
 - b. There has been no changes to the cost methodology forms.
 - c. Question: where do we send electronic copy of cost methodology? Answer: Email to ODH at beh@odh.ohio.gov, and to ODA @ foodsafety@agri.ohio.gov.
4. Certification reminders
- a. Employees in risk level III & IV FSOs and RFEs must have the Ohio certificate issued by Director of Health to comply w/ rule; course certificate (such as servsafe) does not meet rule, so there is no need to request this certificate during an inspection.
 - b. A certified employee does not need to be present during all hours of operation or during an inspection; but they do need to show the sanitarian the employee's Ohio certificate.
 - c. Ohio Administrative Code 3701-21-25 requires course providers to distribute the Ohio certificates to their students; ODH sends the certificates to providers, not the students. If a student did not receive their certificate, please ask them to contact the provider, not ODH.
 - d. The Servsafe 7th edition online course is approved by ODH. This is not the only approved online course.
 - e. Question: Does ODH have a registry of individuals who are certified? Answer: ODH maintains a list of certified individuals in our database, but we have no way of posting it online. If an individual would like to know if they have been issued a certificate, they may call ODH.
 - f. Question: if someone takes the online course, don't they have to have the exam proctored by a person? Answer: Yes, after completing an online course, the exam must be proctored by a provider approved by the Director of Health.
 - g. Question: Can ODH send the methodology that will be used to audit providers? Answer: This is still being worked on and ODH will need to discuss.
 - h. Question: Has there been any discussion of putting an expiration date on certificates? Answer: this has been discussed in the past, but ODH currently has no system to track dates. It may be discussed again in the future.
5. Protecting FSOs from insects/rodents
- a. If an FSO wishes to have open windows or doors, the food code requires them to have protection against insects and rodents, such as air curtains, screens, or other effective means.
 - b. We are striving to have the rule uniformly applied in Ohio.
 - c. If insects/rodents are present, pesticides must be applied by a registered applicator.
 - d. Question: What is best for keeping out rodents, including those FSOs that have a garage door that opens? Answer: a wall, partition or screen may work depending on how it is designed and constructed. It is up to the operator to demonstrate a compliance with rule.
6. Updated choking poster available - If an LHD has not ordered posters, or needs more, please submit a literature request form to ODH. ODH will send posters to local health districts, who then may distribute them to FSOs, RFEs, etc.

7. Training requests – ODH food program staff are available for training, please submit requests to Jamie Higley at Jamie.higley@odh.ohio.gov.

ODA Agenda items:

1. Shellstock tags
 - a. Storage : make sure you are following 3.1 (R) of the food code for all locations selling shellstock and they are being kept for 90 days
 - b. This includes writing the date on the back of the tag after the last one from the container is sold.
 - c. Make sure the location is keeping the tags or labels in chronological order for review.
 - d. Be sure you are asking questions about shellstock availability because these can be just a seasonal item in some places, but they still need to keep the tags.
2. Farm and Farmers Market
 - a. the LHD's role at both types
 - b. Reminder: just because there is a Farm or Farmers Market don't assume it's registered with ODA and if they are not registered the food activities there are licensable other than fresh processed fruits and vegetables.
 - c. Registered Farm Markets are allowed to sell raw apple cider, but if the Farm Market is not registered the cider production is under LHD jurisdiction.
 - d. Registered Farm and Farmers Markets have limited exemptions in the law, so some of them will require a LHD license to sell products there. Some examples are eggs, meats, and handling foods on site.
3. Commercial Bakeries: ODA licenses bakeries whose sales are >51% wholesale.
 - a. Retail activities within a licensed commercial bakery: Bakeries that are licensed w/ ODA may sell bakery products at retail; this would still fall under the ODA bakery license, and would not require a license from the LHDs. Please refer to the Bakery Law for reference, the section is 911.021 ORC
4. Breweries: only those breweries that distribute off-site are inspected by ODA. For the other breweries that sell on-site, the LHDs should be inspecting them because they are making alcoholic beverages which is a food.
 - a. Fact sheet: ODA has developed a fact sheet for breweries, and ODA has a brewery training.
 - b. Question: what about the alcohol exemption in ORC? Answer: the exemption is for offering alcoholic beverages, but not making them.
 - c. Comment: ODH and ODA should meet w/ Liquor Control to find out what they inspect. This was discussed during last conf. call. There seems to be some discrepancy on whether Liquor inspects the brewing equipment. LHDs have been told that they do inspect brewing equipment. ODH and ODA will follow up.
 - d. Comment: If ODH and ODA are saying alcoholic beverages are a food and they must now be inspected by LHDs, this would be a big change and could have political effect.

5. Commissaries: facilities that prepare food to be sold or served in another facility would fall under ODA jurisdiction. If they also have sales or service from that location such as catering, they would also have a license from the LHD.
 - a. Question from LHD: we licensed a commissary that provides food to their mobile, was that incorrect? Answer: Yes, that facility should be registered w/ ODA, not LHD.
 - b. Question: what about a commissary that allows caterers to prepare food? Answer: The commissary would be registered w/ ODA for wholesale clients, but should also have a risk level IV license from LHD for catering.

Additional Questions:

1. Has ODH made a decision on how to handle food delivery operations? Answer: No, ODH is still discussing this.
2. What about FSOs that have outdoor bars, how do they address insects/rodents? Answer: they should demonstrate that they have some protections in place. A ceiling fan may work to keep away insects.
 - a. Comment from LHD: one suggestion may be to require the facility to have a pest management plan in place.