

Meeting #2 - Workgroup on the Licensing of Food Service Facilities

July 26, 2018

Carroll County Health Department

In attendance:

+Lisa Staley

+Sharon Pawlowski

+Kenneth Welch

+Eric King

+Cynthia Shruell

+Julie Mackert

Lou Trescott

Heather Kuykendall

Anita Bullock

Melvin Thompson

Del Krebs

Diedre Moltere

Eamon Flynn

Cliff Mitchell

Matthew Hudson

Burt Nixon*

Leigh*

Donna K*

Yvonne*

Allison M*

Kathleen Kennedy*

* - attended via conference call

+ - Workgroup member

Meeting Notes:

- Lisa Staley reviewed the last meeting and the agenda for today.
- The group reviewed COMAR 10.15.03:
 - Definitions for temporary food service facility
 - Group discussed interpretation of “14 consecutive days” as to whether that allowed two separate events within the same 14 day period or if it has to be one continuous event. I.e. Does “consecutive” apply to the period of time of or the number of days the event is operating.
 - Suggestion: License expires 14 days after issuance.
 - Suggestion: License is valid for a period of 14 consecutive days.
 - Discussion of “similar gathering” language and “public event” definition.
 - Suggestion: Amend definition for public event
 - Suggestion: Exempt certain groups
 - Trade shows and larger events with multiple vendors requiring individual permits for each. If one of the vendors does not act in accordance with the regulations, it could affect the overall event instead of just the one vendor. How can the regulations be simplified to allow easier permitting under one event while allowing enforcement action against a single vendor? An event coordinator may not want to take full responsibility.
 - Permit requires description of what will be served, but often that is not known until a day or two before the event.

- If food is served in same way as has been previously approved as HACCP plan but with different equipment (turkey fryer vs stove), why does that require new permitting? Specifically, can a restaurant cook a food the same way except with different equipment at a different location?
 - In this situation, should restaurants be treated differently than caterers for temporary events? There isn't a caterer license in State regulations, although some jurisdictions may require a disclosure of whether they caterer in order to approve their HACCP plan to consider transportation and possibly inspection of catering equipment.
 - Regulations may apply differently if a caterer was licensed in a different jurisdiction than where they will be operating.
- Does "Internet website" include Facebook advertisements, including in a private group? Regulations state it must be advertised as open to the public.
- What is the reason for creating different standards for public and private events?
 - A private event typically has contact information for attendees so that if there is a food illness outbreak, attendees can be reached as quickly as possible. If it's a public event, it's very difficult to track down attendees, especially because illnesses sometimes aren't attributed to an event for several days.
 - It can also be difficult to reach out to patrons of a restaurant when a food outbreak occurs, but because of more frequent inspections and higher food safety training, there is less risk with a licensed restaurant.
 - Related to regulations for "excluded organizations."
- Regulation .25(D) Temporary Food Service Facilities
 - Depending on whether food is removed from its package, a temporary food service facility must comply with either A or B.
 - When food is removed and repackaged, such as filling a salt container, it must be labeled. Concern is that if there are multiple powdery substances, including chemical cleaners, labeling is important. Local health departments may have some discretion, but it can vary by inspector or local health department. The State does standardize local health departments according to COMAR, but it's focused on risk assessment. Newer inspectors may use a stricter interpretation of the regulations.
 - MDH could consider adding additional trainings specific to temporary food service events or bring up specific issues with Environmental Health Directors.

- How far away do the handwashing stations need to be, and how many are needed per size of the event? Could there be different requirements for preparation versus serving food?
 - State doesn't look at distance, but looks at accessibility, convenience, and number of stations per size of the event.
 - Regulation .28(G) means a licensed caterer does not necessarily need an additional license for a catered temporary food event so long as the location and caterer meet certain requirements.
 - To look at:
 - Public vs private events, including advertisements
 - 14 days for temporary food events
 - Handwashing station requirements
 - Caterer vs non-caterer and when temporary food service licenses are required
 - Recurrent temporary event permits
 - Presentation on excluded organizations by Diedre Moltere (presentation to be sent to group)
 - Covered by Regulation .26
 - Excluded organizations do not have to be licensed as a food service facility if only non-potentially hazardous food is prepared or served.
 - Bake sale items can be prepared in a private home but need to be packaged and labeled. For an excluded organization, it does not need to be prepackaged.
 - Why is the decision to be licensed non-rescindable? 26A(1)
 - 26B(2) conflicts with 26E (delete 200 people or more)
 - Food service facility includes an excluded organization that serves potentially hazardous foods, which would require them to be licensed, which is in conflict with the definition of excluded organization.
- Next steps:
 - Group to look at local guidelines on temporary food service events
 - MDH to look at regulation language related to temporary food events
 - At future meeting, discuss sampling/tasting regulations