

Meeting #3 - Workgroup on the Licensing of Food Service Facilities

August 8, 2018

Maryland Restaurant Association

In attendance:

*Lisa Staley	Eamon Flynn
*Sharon Pawlowski	Cliff Mitchell
*Julie Mackert	Lou Trescott
*Eric King	Jessica Williams
*Colby Ferguson	Brent Smith
*Cynthia Shruell	Trudy Hyde
*Kenneth Welch	Melvin Thompson
Del. Krebs	

* - Workgroup member

Meeting Notes:

- Cliff reviewed tentative timeline and scope for the report
 - Draft of report to be sent to Workgroup by 8/15 for review at 8/22 meeting.
 - Comments can be submitted electronically prior to 8/22 meeting.
 - Will determine if another meeting is necessary at 8/22 meeting.
- Cliff reviewed food outbreak data from the Maryland Department of Health (slides presented)
 - Process for reporting
 - Complaints reported to LHD
 - Investigation process
 - Interviews with symptomatic people
 - Environmental health assessment
 - Laboratory test
 - Surveillance data since 2011
 - Can be difficult to clearly identify specific cause or process
 - Data presented are specific to food-borne outbreaks, not outbreaks associated with person-to-person transmission through foods
 - Data presented are specific to foods prepared in private homes and brought to outside events
 - Common causes include temperature controls, cross-contamination, hand washing, and environmental spaces
- Lisa Staley presented slides on definition of “potentially hazardous foods” from COMAR 10.15.03
 - Listed foods in regulations is not an exclusive list.
 - If not prepared correctly, potentially hazardous foods can grow bacteria and other microorganisms that can cause illness.

- Foods allowed for sale under the cottage foods law are non-potentially hazardous. This is a growing list based mainly on the water activity and the pH of the food. Some foods, such as cut leafy greens and cut tomatoes, have been added based on epidemiological evidence.
- Air-cooled hard boiled eggs are non-potentially hazardous due to the pores in the shell.
- Cliff reviewed the potential recommendations for discussion based on previous discussions (presented on slides)
 - Outreach & training
 - Adding temporary events to standardization of local health departments (LHDs), especially with standardizing inspectors
 - Developing guidelines for temporary food events for both public and LHDs
 - Develop summary of regulation requirements for licensed/unlicensed excluded organizations
 - Additional discussion:
 - Simple visuals can help reinforce positive behaviors in food handling.
 - Regulatory Changes
 - Clarify the definition of potentially hazardous foods
 - Allow temporary food event permits to last up to 30 consecutive days
 - Is there a way to make it easier for recurring events?
 - Some local codes may have more stringent requirements for events longer than 14 days, like having portable restrooms versus plumbed restrooms.
 - Would require statutory changes first.
 - Clarify definition of “similar gathering”
 - Incentivise having a certified food manager on-site at public temporary events to relax inspection requirements at the discretion of LHDs
 - Some concerns about how this would apply to caterers to ensure caterers (including restaurants with catering HACCP) will continue to participate in fundraising/non-profit events (“Taste of...” events).
 - Tied to how “Taste of...” events are categorized as a festival vs “similar gathering.”
 - This would be elective and not required of temporary food events.
 - Allow excluded organizations to rescind licensing decisions.
 - Would require statutory changes first.
 - How does this apply to whether a kitchen would be considered a commercial kitchen or not? COMAR states which regulations must be followed depending on if the excluded organization is licensed or not.
 - Could a licensed excluded organization rescind their decision to be licensed? They would still be subject to inspection and certain regulations.

- Allow excluded organizations to operate more frequently and/or for a longer period of time without a license. Limit by maximum length of event or number of events, but increase over current levels.
- Additional discussion:
 - Paperwork for obtaining a temporary food event can be very burdensome, requiring original physical signatures. There have been some incremental improvements at the state level. Some jurisdictions have made more dramatic improvements, and some may lag behind the state due to resource restrictions.
 - Department of Information Technology is developing new improvements.
 - Website designs should easily drive applicants to the correct form.
 - Having a temporary food permit allows for better follow-up should there be a food outbreak by allowing the LHD to know who was serving food at which event. If it's a caterer, is there an easy way to notify the LHD without having to apply for a full temporary food event.
 - Regulatory requirements should be proportionate to risk.
- Statutory changes
 - Allow temporary events to last up to 30 days
 - Allow rescindable licensing decisions by excluded organizations
- Group discussion on draft recommendations
 - Should charitable organizations be excluded for any licensing requirements?
 - Related to public vs private events
 - Could reassess if regulatory changes are necessary after outreach & education efforts are implemented
 - There are other areas in the food code that address inherent risks, such as consuming raw or undercooked seafood or meats. However controls are in place, and the few number of outbreaks may be a result of those controls working.
 - Department's job is to mitigate those risks through the least invasive means necessary.
 - All recommendations should be directed at making regulations clearer for a layperson to understand what is required, especially for a temporary event.
 - Develop summary of regulatory requirements for temporary events, especially as a checklist.
 - How can inspectors better serve a variety of clients, from restaurant owners to members of excluded organizations with little experience? Not just the responsibilities of the position, but also how they present

themselves and provide feedback when an issue is identified to assist with compliance.

- Can the goal of inspectors be made to promote compliance rather than enforcement? The Department has a legal responsibility to enforce regulations in the few cases where public health and safety are threatened.
 - Standardization of LHDs should not use the most stringent jurisdiction as the model.
 - Clarification is needed for what constitutes a public vs private event.
 - If run by a bone fide non-profit, could they be excluded in some way?
 - Additional discussion required, including how other states may interpret public vs private.
 - How will the regulatory process move forward? Will certain individuals from Workgroup be involved in regulatory drafting process? Department will seek input from the Workgroup in the regulatory drafting process.
 - The Workgroup is free to make recommendations or directions that the Department may not agree with.
- Next Steps
 - Meeting #2 Minutes will be posted unless comments are received
 - Next meeting is 8/22/18 at 10am.