
Governance Committee

September 16, 2019

Chair: Heather Borski

Present: Dr. Marc Babitz for Dr. Joseph Miner, Heather Borski, Curtis Burk for Paul Patrick, Ralph Clegg, Lloyd Berentzen, Gary Edwards, Jeff Combs, Jerry Edwards.

Phone: Jill Parker

Visitors: Chris Nelson, Janae Duncan, Braden Ainsworth, Christy Cushing

Voting Members: Dr. Joseph Miner, Heather Borski, Curtis Burk for Paul Patrick, Ralph Clegg, Lloyd Berentzen, Jeff Combs

Co-Chairs: Heather Borski & Jeff Combs

Minutes

Approve minutes from August 5, 2019 Governance meeting.

Motion to approve: **1st:** Ralph Clegg **2nd:** Curtis Burk for Paul Patrick

Voting Members: Dr. Marc Babitz for Dr. Joseph Miner, Heather Borski, Curtis Burk for Paul Patrick, Ralph Clegg, Lloyd Berentzen, Jeff Combs

2020 UDOH Self-Assessment - Chris Nelson

- Utah jurisdictions currently involved in the Retail Standards Program
- Salt Lake County is one of the few nationwide that have met all 9 retail standards.
- The FDA created these to provide uniformity to food safety programs nationwide.
- There are 9 standards the FDA asks food safety programs to comply with:
 - [Regulatory Foundation](#)
 - [Trained Regulatory Staff](#)
 - [Inspection Program Based on HACCP Principles](#)
 - [Uniform Inspection Program](#)
 - [Foodborne Illness and Food Defense Preparedness and Response](#)
 - [Compliance and Enforcement](#)
 - [Industry and Community Relations](#)
 - [Program Support and Resources](#)
 - [Program Assessment](#)
- A risk assessment must be done for retail food inspection results to see any trends in food-oriented illnesses and track any violations.
- The most amount possibly awarded from these grants is \$3,000.
- There are four different categories of grants:
 - 1) Small Project. A small project to verify that you met the standard, are going to meet the standard, or that you will work on partial compliance with the standard.
 - 2) Large Project. This grant awards up to \$10,000.
 - 3) Training Grant. Afto will reimburse travel costs up to \$3,000 for any staff training related to food safety. There is no limit to the number of people this can be used for up to \$3,000.
 - 4) Food Safety Task Force involvement. Funds travel to Task Force meetings.
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- The grant proposed at this Governance is the Category One Small Project Grant.
 - The project proposed is a 2020 UDOH Self-Assessment of all 9 standards for UDOH.
- Self-Assessments are done upon enrollment into the program and then every five years.
- This will be the fourth UDOH Self-Assessment. Currently meeting 3 standards.
- The next grant applied for is described in the next agenda item.

Exempt - No Vote

Training 2020 - Chris Nelson

- Training 2020 is proposed for the Category Three Grant mentioned above.
- Training 2020 will send 1-2 staff members to the next Southwest FDA Conference in 2020.
 - This conference is a requirement to keep FDA Training Standards certification.
- The conference includes training on verification audits and standardization inspections.
- Conference attendees will then go to the local health departments and train their specified trainer, usually the employee in charge of the food program.
- Environmental Health Director decides who receives annual training.
- Standardization is good for 3 years.
- Technically this is a competitive grant however, there is enough available that funding is usually awarded when applied for.

Exempt - No Vote

Other Agenda Items:

- **E-Cigarette Rule** - Jill Parker, Gary Edwards, Lloyd Berentzen (handout)
 - Emergency Rule Change took place last week and the rule change has been tabled at this time.
 - This rule only applies to open systems.
 - Dr. Miner has suggested sending a letter to retailers informing them of the rule as a way to facilitate negotiations with the industry in writing a new rule.
 - A document was shared with the health officers on some options to move forward with.
 - **Do nothing.** Possible Outcome:
 - Industry has time to plan and gain support.
 - The issue fades in the minds of the media and public.
 - We lose the upper hand.
 - **Implement New.** Possible Outcome:
 - We get open systems off the market.
 - Maybe open more on the black market.
 - Legislature may operate with the belief the problem has been addressed and we get little or nothing this session.
 - If FDA ever does make a ruling on open systems and e-liquid, and the legislature does not act (see previous bullet), we are back to where we are now.
 - They ask to negotiate or there is a stay imposed by the courts, draggin on till session and beyond.
 - **Tell industry we/they have until November 1st to negotiate an agreed to plan.** Possible Outcome:
 - Interested legislators with us, on our side.
 - Other legislators see us trying to resolve the issues.
 - Legislators want things to happen.

- We strike while the “iron is hot.”
 - We continue to be in the driver’s seat.
 - Bills during the session are “easy” because they were agreed to.
 - Get agreement on naming, appearance, sales games, flavors, age 21, grandfathering, etc., all prior to the session.
 - If no negotiation, implement current state and make public announcement that industry was not willing to address the problems.
- Most health officers agreed that the third option would be best choice moving forward.
 - This will be put on the Health Officer’s Meeting agenda to ensure a unified approach.
 - The state has advised against any enforcement action at this time.
 - The industry wanted the amendment to the rule to align with FDA rule.
 - November 1st date is suggested by Gary Edwards to resolve this issue prior to legislative session.
 - The industry would negotiate with a multi-agency stakeholder advisory group that includes public health partners and local health departments.
 - The biggest negotiator in the past session was Dave Davis, Retailers Association, more so than the vape shops.
 - Governance agrees to November 1st so as not to enter legislative session with this unaddressed.
 - November 1st date will be on the Health Officer’s next agenda.
 - Must receive Governor approval.
 - Health Officer representative will be identified at the next officer’s meeting.
 - Jill Parker recommends inviting Representative Ray and Senator Vickers to the discussion.
 - If Senator Vickers does not attend, it is recommended that he is kept informed.
 - It is recommended to invite Senator Bramble to the discussion as a neutral representative as he is pro-business.
 - Aligning with FDA will allow use of FDA resources to enforce rule.
 - Any money associated with this issue must stay with this issue.
 - No money will come to the Department of Health. Money is allocated to local health departments and treatment.
 - Testing requirements may be expanded to include more content.
 - Product or retailer will be randomly testing for quality control until the FDA acts.
 - Shops will be responsible for what is on their shelves.
 - The Department of Agriculture is currently doing random testing on CBD. If CBD has not been approved by the Department of Agriculture, it is prohibited from being sold.
 - Janae Duncan and Braden Ainsworth will create a group to discuss the best way to implement rules and restrictions on vaping with the industry.
 - This group will contact the industry, Mr. Davis, and assign a local health department as well as other public health department representatives.
 - Jill Parker will be in touch regarding local health department representatives.
 - The final decision will be made outside of the meeting.
 - Jill Parker will discuss this issue with Senator Vickers and ask for his thoughts on the best way to implement this rule and the plans of action in place.

Next Meeting - October 7, 2019 - 11:30am - Room 401

Motion to adjourn

Motion 1st: Lloyd Berentzen **2nd:** Jeff Combs

Voting Members: Dr. Marc Babitz for Dr. Joseph Miner, Heather Borski, Curtis Burk for Paul Patrick, Ralph Clegg, Lloyd Berentzen, Jeff Combs