

# 2016-2018 DoK Committee Sub-Committee Survey

StartDate	EndDate	Are you interested in working on survey responses 1-5?	Are you interested in working on survey responses 6-10?	Would you be interested in co-chairing the subcommittee for alternatives 1-5?	Would you be interested in co-chairing the subcommittee-for alternatives 6-10?	Please put your name below.
		Response	Response	Response	Response	Open-Ended Response
12/12/2016	12/12/2016	No	Yes	No	No	N/A
12/09/2016	12/09/2016	No	Yes	No	No	Sue Tyjewski
12/08/2016	12/08/2016	Yes	Yes	No	No	Ashley Eisenbeiser
12/08/2016	12/08/2016	No	Yes	No	No	Stephen Tracey
12/07/2016	12/07/2016	No	Yes	No	No	Rob Gilliland
12/07/2016	12/07/2016	Yes	Yes	No	No	Patrick Brown
12/07/2016	12/07/2016	Yes	No	No	No	Hector Dela Cruz
12/06/2016	12/06/2016	No	Yes	No	No	Christine Sylvis
12/06/2016	12/06/2016	No	Yes	No	No	N/A
12/06/2016	12/06/2016	Yes	Yes			Joe Smithwick
12/06/2016	12/06/2016	Yes	Yes	No	No	Ingrid Fessel
12/05/2016	12/05/2016	Yes	Yes	No	No	Chirag Bhatt
12/05/2016	12/05/2016	No	Yes	No	No	Scott Gilliam
12/01/2016	12/01/2016	Yes	Yes	No	No	Dale Yamnik
11/30/2016	11/30/2016	Yes	No	No	No	Todd Rossow
11/29/2016	11/29/2016	Yes	Yes	Yes	Yes	Julie Hults
11/29/2016	11/29/2016	Yes	Yes	No	No	Tom Arbizu
11/29/2016	11/29/2016	No	Yes	No	No	Kate Piche
11/29/2016	11/29/2016	Yes	No	No	No	Albert Espinoza
11/29/2016	11/29/2016	Yes	Yes	No	No	Rance Baker
11/29/2016	11/29/2016	Yes	Yes	No	No	Chuck Seaman
11/29/2016	11/29/2016	No	Yes	No	No	Jessica Otto
11/29/2016	11/29/2016	Yes	Yes	Yes	Yes	Mick Miklos
11/29/2016	11/29/2016	Yes	Yes	No	No	Bridget Sweet
11/25/2016	11/25/2016	No	Yes	No	Yes	Larry Sigler

# Demonstration of Knowledge – Subcommittee 1

## (#1 Call - Feb 10, 2017)

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### In attendance

On the call were: Bridget Sweet, Tom Arbizu (HEB now), Chirag Bhatt, Albert Espinoza, , Joetta Defrancesco, Mick Miklos, Eric Moore, Rance Baker and Todd Rossow (note taker)

Not all the call were: Scott Gilliam and Hector Dela Cruz

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### Notes

- **Roll Call**
  - It was discussed that Tom is no longer with regulatory, but with industry (HEB). Brief discussion was held to see if this was a concern relative to workgroup balance. Eric will discuss with Mick off line. Tom did mention that a coworker with his prior agency could fill in, if needed.
- **Anti-Trust Statement** - Reminder
- **Charge**
  - Reminder that we are to review the Pros and Cons of Methods 2, 3 4, 5 and 10.
- **General Session**
  - Mick reviewed the outcome of the last survey and questioned if some Methods should be eliminate or combined?
    - Methods 3 and 4 had a majority vote against; 11 against, 7 in favor or 61% voting to eliminate these methods.
  - Eric Moore clarified that this was the most recent survey of only voting members. 18 (9 regulatory) votes were cast out of the 21 voting members. The comment was made that the first survey, which included at-large members, was skewed since there was less balance.
  - Because 61% of the respondents did not want to go forward with Methods 3 and 4, Mick motioned that we remove these Methods from consideration, Seconded by Rance. There was discussion. Call the question: This was voted and passed. 1 was opposed.
    - It was asked if we were taking a step backwards by removing these Methods from consideration but it was pointed out that some of the other Methods reiterate the points contained in 3 & 4 except more comprehensively.
  - In the survey, Methods 2, 5 & 10 had a majority voting in favor of including them; 10 for and 8 against.
    - Mick commented that Method 10 stands alone while Methods 2 and 5 have similarities. Should 2 & 5 be combined into one Method?
    - Method 5 sets the bar higher because it includes a greater compliance feature due to requiring an ANSI-ASTM Certificated Food Handler or the equivalent. Do we need to keep both Methods where one sets a lower bar?

- Rance motioned to combine (Method 2 and 5) and was Seconded by Bridgett; voted and passed, none opposed.
    - During discussion the question was asked, “What are we trying to achieve? Does the full Demonstration of Knowledge committee really understand the implications of how they voted; i.e.: authorizing the subcommittee to (1) delete Methods from consideration and (2) combine multiple Methods into one?
      - The subcommittee will present its rationale to the full committee for consideration.
  - **Move to Adjourn**
    - Based on what we have accomplished today and shortness of time-remaining, Mick entertained a motion to adjourn. So moved by Todd with Second by Chirag. Voted and passed.
    - Next meeting was scheduled for Friday, March 3 at 10:00 AM EST.
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#### Action Items

- Bridget will schedule the next call.
- Group – Study methods 5 and 10 in advance of the call and be prepared to discuss Pros & Cons.

## Demonstration of Knowledge – Sub-Committee 1 (#2 Call - April 6, 2017)

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#### In attendance

On the call were: Scott Gilliam, Bridget Sweet, Joetta Defrancesco, Hector Dela Cruz, Dianna Copeland, Eric Moore, Chirag Bhatt and Todd Rossow (note taker)

Not all the call were: Albert Espinoza, Mick Miklos, Rance Baker and Tom Arbizu

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#### Notes

- **Roll Call**
- **Anti-Trust Statement** - Reminder
- **Discussion** – The call was led by Bridget
  - Question regarding the last meeting minutes and if they were sent out yet. Bridget shared they were posted to the shared folder. Today Todd emailed the minutes to the group during the call.
  - We had general discussion regarding the FDA call last month and the statement they made later. FDA stated the proposed language won’t reduce or demission the committee’s Charges. The FDA comments that there are no changes in Charge and all committee work will need to continue.
  - Eric – We need to share minutes from last meeting. He wants to make sure that the 2 sub-committee alternative methods are clear as well as the background for any decisions. Eric wants track changes

to be used. Our sub-committee eliminated two of the options and we need to be able to define the rationale.

- Google Drive – Eric asked if there is a notification when something is posted or changed? Bridget stated that an email needs to be sent to the group when any changes or additions are made. Note: Not all members can access the drive.
- We began with the discussion of Methods 2 and 5
- Method 2 is discussing Establishment and Method 5 is talking about the PIC
- Food Handler or Manager A PIC may not be a food handler.
- *Food Handler* roles cover risk factors at a high level. Some chapters are missing for this level of certification in the training materials.
- PIC *Food Manager* is a more in-depth coverage and level of detail.
- It appears that these two Methods are different and may need to remain separate. After discussion this was the consensus of the group.
- The group felt that Method 2 and Method 5 should remain separate
- General comments based on a question for clarification:
  - Duties and Demonstration of Knowledge. The 2 are intertwined. If in compliance with Duties then the establishment is in compliance with DoK. Correct performance of duties is enough to show compliance.
- Eric recommends the group provide their feedback within the form for the Methods before the call and compile for discussion on the next call. It is expected that there will be some redundancy in feedback, but will allow for all comments to be viewed together.
- Break up into 2 stages (Method 2 and 5 and then Method 10) so some feedback will be available for the full committee call on 4/20.

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### Action Items

- Bridget will schedule the next call with this sub-committee on 4/17 (3-4 pm EST).
- Each sub-committee member was asked to share feedback regarding Pros/Cons to Method 2 and 5, recommending any alternative language. We should record our thoughts into the boxes on the form and send to Bridget by 4/13 COB. (use Group 1 DoK Alternative Methods of Demonstrating Knowledge form)
- **Move to Adjourn**
  - Bridgette motioned to adjourn and was seconded by Todd.

# Demonstration of Knowledge – Sub-Committee 1 (#3 Call - April 17, 2017) Amended 5/1

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## In attendance

On the call were: Scott Gilliam, Bridget Sweet, Joetta DeFrancesco, Hector Dela Cruz, Mick Miklos, Eric Moore, Chirag Bhatt, Rance Baker, Mary Cartagena (FDA Advisor), Adam Kramer (CDC Advisor) and Todd Rossow (note taker)

Not on the call were: Deanna Copeland and Albert Espinoza

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## Notes

- **Roll Call**
- **Anti-Trust Statement** - Reminder
- **Discussion** – The call was led by Bridget
  - The team focused on **Method 2** discussion from the feedback provided by the subcommittee team members.
    - FDA perspective (Mary) – There is a comb of compliance and demonstration of that knowledge. What do we want the true intend of DoK to be? For example, should there be an expectation that the PIC or food handler know the reportable illnesses. The PIC should.
    - We may have an opportunity if we argue for a sound if performance of duties controls risk may service to demonstrate knowledge. Consider rephrasing the second, third and further bullet.
    - We (PIC) may not need to know the science, but should know the basics if the steps were not taken.
    - Eric – Last week the other subgroup the FDA rep. state that it is important to see these actions for the PICs and not the food handler. Do we think that compliance of 2-103.11 is considered as being in compliance?
    - Just because we had a Priority violation it may have been an accident and not a true lack of knowledge.
    - If the PIC is performing 2-103.11 (the location is in compliance) and is certified then, yes they are demonstrating knowledge.
    - Mary – She reminded us of the Marking Instructions to help us understand - Supervision (PIC role). Is marked the PIC. Supervision in/out – the duties of the PIC is already encompassed.
    - The committee agreed not to contemplate identifying corrective actions until after we finished assessing the pros and cons in their entirety for methods 2, 5 and 10. We also agreed on the call that undertaking recommendations relative to our Charges would be the last thing we do.
    - We reviewed the comments from the sub-committee for the sections and resulted in the following outcome of Pros/Cons. (a. Differentiation between knowledge and application) under Method 2.

### Differentiation between knowledge and application

#### Pros -

- This method focuses on application only.
- Knowledge is demonstrated through correct application of the outlined principles in 2-103.11.

#### Cons

- Some PICs can oversee or perform a duty or task correctly and not necessarily understand the science behind the reasons why it must be done.
  - A unique food safety risk may present itself that the food handler or PIC has never encounter or that is very infrequent and may not be covered in the establishment's SOPs.
  - Not all established have SOPs even though they can execute properly and address the given risk factor.
  - **Move to adjourn** - Chirag motioned to adjourn and a seconded by Hector.
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#### Action Items

Review the Pros/Cons to each Method (2, 5 and 10) in light of the 5 areas (a-e) provide from the subcommittee members.

## **Demonstration of Knowledge – Sub-Committee 1 (#4 Call - April 25, 2017) Amended 5/1**

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#### In attendance

On the call were: Bridget Sweet, Chirag Bhatt, Albert Espinoza, Mick Miklos, Eric Moore, Rance Baker, Jessica Otta, Mary Cartagena (FDA Advisors), Adam Kramer (CDC Advisor) and Todd Rossow (note taker)

Not on the call were: Scott Gilliam, Joetta Defrancesco, Hector Dela Cruz, and Deanna Copeland

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#### Notes

- **Roll Call**
- **Anti-Trust Statement** - Reminder
- **Discussion** – The call was led by Mick
  - Mick commented that we have 6 of the 9 subcommittee members on the call.
  - The notes from the 4/17 call will be coming shortly.
  - We need to be aggressive with completing our Charge before the next full Committee call on May 18. Bridget will be setting up weekly hour calls. Target dates are May 1, May 8 and May 15.
  - We need to complete the Pros/Cons for Methods 2, 5 and 10 specific to the accompanying areas.

- Bridget will send out a poll for preferred time or day.
- We reviewed the comments from the sub-committee for the sections and resulted in the following outcome of Pros/Cons under Method 2.

Emphasis of risk factors:

Pros

- The first two bullet points are similar.
- The fourth bullet is not relevant and should be removed.
- The top three points can be pulled into a single statement. Mick will work on wording for the group's consideration. Below is his summary; "Subsections "A" through "O" of section 2-103.11 require PIC oversight to ensure that employees are engaged in practices aimed at controlling the five CDC Risk Factors as well as those articulated on the FDA inspection form. Doing so is a reflection of Active Managerial Control in the establishment."

Cons

- We agree in part to the bullet point, but feel there may be 2 separate Cons and not just one.
- Todd was assigned to separate into two points for the group's consideration.
  - Point 1 – "If a food safety risk were to present itself where the establishment did not have a written protocol the PIC may not have the needed knowledge to make the best decision or corrective action."
  - Point 2 – "Lack of understanding to contributing factors and root causes along with corrective actions to a unique food safety risk factor can contribute to a food safety concern."

Ease of uniform assessment by regulators and industry:

Pros

- Under the first bullet point the group felt it could be reworded. "The inspector or PIC could observe proper processes to control food safety risk factors".
- Discussion around the third bullet point was if this was a Pro or a Con? The outcome was to move under Cons and rewrite as; "Assessment ease by regulatory will vary depending on training provided to local health department."
- Rance was asked to review bullet points 1, 3 and 4 and consolidate a general statement under Pros. His statement was: "The inspector or PIC could observe proper process to control food safety risks".
- It was discussed that this one statement (to be written by Rance) is all that is needed and could replace all 5 bullet points.

Cons

- The first bullet point was discussed as possibly being a Pro and Con. The word *hypothetical* was discussed and should not be included and only observed situations with the following outcome: “Situations may be discussed and assessed with the food handler’s and PIC’s response.”
- Note from scribe - The second bullet point “This will always be an issue. Regulatory, unless using practical aspect will always differ from industry professionals.” raised questions, however, I don’t recall how this was reworded, if at all.
- “Assessment ease by regulatory will vary depending on training provided to local health department.”

Enabling the person in charge to demonstrate knowledge even when there is a language barrier:

Pros

- Under the first bullet point the group made some changes that resulted in the following point: “Actions may be clearer than dialog”.
  - Bullet points two and four were similar and felt the second (with modification) was more clear and concise. We removed four and left two as modified: “Demonstration of the process can meet compliance by the PIC”.
  - The third point was discussed “Several options are available already” and felt it did not say enough. It was commented that the particular options should be provided. Additional comments were made that this point may serve better as a Pro under Ease of uniform assessment by regulators and industry. We may need to revisit this on the next call.
  - There was no change to the fifth point.
- **Move to adjourn -**

**Action Items**

Continue to review the Pros/Cons to each Methods (2, 5 and 10) in light of the 5 areas (a-e) provide from the subcommittee members.



# Demonstration of Knowledge – Sub-Committee 1 (#5 Call – May 02, 2017)

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## In attendance

On the call were: Mick Miklos, Bridget Sweet (she was on for the first few minutes of the call), Joetta DeFrancesco, Albert Espinoza, Eric Moore, Jessica Otta, (FDA Advisor), Adam Kramer (CDC Advisor), Hector Dela Cruz, Deanna Copeland and Todd Rossow (note taker).

Not on the call were: Chirag Bhatt, Rance Baker, Scott Gilliam and Mary Cartagena.

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## Notes

- **Roll Call**
- **Anti-Trust Statement** - Reminder
- **Discussion** – The call was led by Mick
  - Prior to the start of the call Bridget, Joetta and Eric reviewed the expectations around Track Changes and proper process. If previously accepted subcommittee minutes are being edited we should Track Changes. We don't need to Track Changes in the Pros/Cons section of the Methods that the Subcommittee drafted and collectively modified on our calls.
  - There was some additional feedback that needed to be brought into the notes from the 4/17 call before being resent to the subcommittee. Todd will send notes from 4/17, 4/25 and 5/2 for review prior to the next call on 5/9.
  - Mick led and opened discussion of Method 5 and the first Pro bullet point.
  - There was discussion around the intent of the use of food handler and not PIC in this Method.
  - The prior Committee based this on the multi-year study by FDA and CDC that showed there was a benefit to having a certified person on site. Was this specific to the facility operator being the PIC or just anyone?
  - Can we change the way the Method was written? There is nothing in the Charge that says we can't change the wording on the Method.
  - If we were to change the Method that would require consensus of the full committee.
  - What if the wording of food handler were to be changed to PIC?
  - Is this certification as a food handler or as a PIC/food handler?
  - This may be a good Method, but the first bullet may not apply to this food handler Method.
  - After discussion with the subcommittee and advisors we determined that Method 5 does not fall within our current charges since it does not reference a PIC. We did not have a quorum; 5/9 voting members

and need 6 (2/3) in order to vote. Mick suggested we consider the remaining time on the call to review Method 10 and the corresponding Pros/Cons.

- It was commented that Method 10 contained no Pros or Cons on the list which was most recently shared by Bridget. At that time it was not thought that we would be ready for discussion so soon.
  - The group decided that since the subcommittee members had not yet seen the Pros and Cons for Method 10 we would share with Bridget before the end of this week. Bridget could compile and send to the group prior to the next call.
  - Joetta asked that at the begin of the next call Mick (or Bridget) review the current status and what is coming.
- **Move to adjourn -**
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#### Action Items

1. Todd to send out meeting minutes to subcommittee from past 3 calls.
2. Group to send to Bridget Pros and Cons to Method 10 by COB 5/4, if they have not done so already.
3. Bridget to compile these Pros and Cons and send to the team by 5/8.

## Demonstration of Knowledge – Sub-Committee 1 (#6 Call – May 16, 2017)

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#### In attendance

On the call were: Mick Miklos, Bridget Sweet, Joetta Defrancesco, Eric Moore, Deanna Copeland, Rance Baker, Albert Espinoza, Chirag Bhatt and Todd Rossow (note taker).

Not on the call were: Adam Kramer (CDC Advisor), Hector Dela Cruz, Scott Gilliam, Mary Cartagena and Jessica Otta, (FDA Advisor).

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#### Notes

- **Roll Call**
- **Anti-Trust Statement** - Reminder
- **Call Minutes Discussion** – Mick commented that minutes of the prior meetings were accepted earlier via email. No additional comments were received.
- **Discussion** – The call was led by Mick
  - **Method 5 discussion** - During the May 2 call it was determined that this did not fall within the scope of the full committee since it was not referring to a person in charge. During that call we did not have a quorum to vote. Mick entertained a motion that this Method be removed since it did not refer to the PIC.
  - Todd motioned and was seconded by Chirag.
  - The group voted and the motion carried to remove Method 5.

- **Method 10 discussion** - This Method suggests to completely eliminating section 2-102.11 from the Food Code.
- It is not just about elimination of the section, but by performing these actions under a food handler program as ANSI/ASTM 2659. This has nothing to do with the knowledge of a food handler, just a food program. A 2 hour training program is not a replacement for a PIC knowledge.
- It happens that the establishment's PIC may need to leave the location and will be gone for some period of time. If a food handler is able to demonstrate proper process to manager food safety risk why is this a concern?
- The Food Code will change and require that all PICs be a CFPM. If the PIC is not present can the establishment still remain in compliance and provide safe foods?
- There is another CFP committee working on the food handler training. Jo is on that committee and shared that the current place of that committee would not impact the DoK committee. The level of expertise expected of a food handler is not the same as a PIC. Standards for food handler training would not help here.
- If a food handler were to replace the PIC is where the concern is applicable. Do we want to set a standard that a 2 hour food handler person would replace that PIC?
- No one agreed to the elimination of 2-102.11 of the Food Code.
- Mick entertained a Motion that we strike Method 10.
- Chirag made the motion and was seconded by Rance.
- The group voted to remove Method 10 since it was outside the PICs ability to demonstrate knowledge if they were not on site.
- Mick summarized the 5 Methods that subcommittee was to review. The subcommittee ended that Method 2 was suitable to discuss Pros/Cons around the remaining Charges.
- We still need to look at "Charge 1 section e". This needs to be reviewed for Method 2.
- Then we need to make recommendations for changes to the Food Code language "Charge 2" around Method 2.
- Let's look at corrective actions to Method 2 for the next call.
- Bridget to send out to the group by 5/19 with the final points for Pros/Cons to a-d so we can provide her feedback to "e".
- By Thursday 5/25 each member of the group should provide feedback to Bridget to Method 2 "e".
- Once we have completion of Method 2 "e" of Charge 1 we will have only Charge 2 for recommended alternative methods of demonstrating knowledge as new or amended Food Code language.
- **Move to adjourn** - Motion by Chirag and seconded by Mick.

#### Action Items

4. Bridget to send out to the group by 5/19 with the final points for Pros/Cons to "a-d" so we can provide her feedback to "e".
5. By 5/25 each member of the group should provide feedback to Bridget.

# Demonstration of Knowledge – Sub-Committee 1

## (#7 Call – July 21, 2017)

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### In attendance

On the call were: Mick Miklos, Bridget Sweet, Albert Espinoza, Rance Baker, Scott Gilliam, Jessica Otta, and Mary Cartagena. (FDA Advisors), Deanna Copeland and Todd Rossow (note taker).

Not on the call were: Eric Moore, Joetta Defrancesco, Chirag Bhatt, Adam Kramer (CDC Advisor) and Hector Dela Cruz.

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### Notes

- **Roll Call**
- **Anti-Trust Statement** - Reminder
- **Discussion** – The call was led by Mick
  - We discussed the voting by email to approve or disapprove the corrective action when there is not a DoK by the PIC. It was noted that this email should have referenced “Method 2e” not “1e”.
  - Rance responded to 1e, however, he concurs with the group’s 2e direction.
  - There was good participation on the vote. Some additional comments were provided after Bridgette sent out the July 17 recap. These added comments do not seem to change how the group voted/commented.
  - One commented that bullets three and four may not be needed. It is intended to ensure the “up-line” organization is informed if there was a breakdown of DoK.
  - Bridgette shared that 8 voted to include and 2 to delate bullet three. Mick asked for any discussion from those that selected to delate from the group present and none was shared.
  - In bullet two there was discussion about the word “remedial” training. We discussed removing remedial with no objection.
  - Bridgett will resend the complete sub group votes to all soon.
  - Three of the four bullet points will be included that are;
    - Coaching by the health inspector to ensure immediate on-site interventions to control risk.
    - In cases where the lack of knowledge is severe, as reflected by an inability to satisfactorily perform half or more of the duties outlined in section 2-103.11, require the PIC to attend remedial training if such training is available through the local health department. If the local jurisdiction does not provide such training, require the PIC to get re-certified using an ANSI-CFP approved program.
    - In all cases where lack of knowledge is in evidence, the health inspector should contact the CFPM or Permit Holder to report the concern.

- Mick reviewed that of the 5 Methods that our sub group was asked to review we are left with one (Method #2).
  - At this time we are to provide recommended alternative language (if needed) for Method 2 with all of the factors discussed thus far.
  - Mick referenced the email with a July 30 deadline from Eric/Jo to forward to them with our completed Charge. We may be able to look at draft language but not to be a complete review for submission to the full committee.
  - A comment was made if it was moot to have discussion on Charge #5
  - Per FDA commenter - CFP Manager will be mandatory for PIC
  - No change for DOK and should be enough to offer suggestions moving forward.
  - What is the target date to have each group member submit written language for recommended alternative method? How much time is needed to write and send in language to Bridget/Mick.
  - Is a brief sentence or more prescriptive comment needed? We really need to provide language with the intent and not complete detail. FDA will complete the needed detail.
  - Within the next 2 weeks (by 8/4) provide Bridget with any alternative language to Method 2.
  - Bridgette will set up a call on 8/10 or 8/11 for the group to review and discuss the feedback.
- **Move to adjourn -**
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**Action Items**

6. The group should provide Bridgette our draft ideas for Method 2 by 8/4.
7. Bridgette to send out a doodle poll for a group call on 8/10 or 8/11.

## **Demonstration of Knowledge – Sub-Committee 1 (#8 Call – August 11, 2017)**

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**In attendance**

On the call were: Mick Miklos, Bridget Sweet, Joetta Defrancesco, Rance Baker, Scott Gilliam, Hector Dela Cruz, Chirag Bhatt, Deanna Copeland, Adam Kramer (CDC Advisor), Hector Dela Cruz, Jessica Otta, (FDA Advisor)

Not on the call were: Albert Espinoza, Rance Baker, Todd Rossow, Mary Cartagena and Eric Moore.

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**Notes**

- **Roll Call**
- **Anti-Trust Statement** - Reminder
- **Call Minutes Discussion** – Mick commented that minutes of the prior meetings were accepted earlier via email. No additional comments were received.

- **Discussion** – The call was led by Mick
  - Discussion on (A) as related to violations related to FBI risk factors. Through discussion it was revealed that was current language, and the only addition was to add (D). **Being in compliance with Section 2-103.11 as verified by the inspector’s observations.**
  - Typo in (A) is should read of according to the Food Code. Discussion around (D). **Being in compliance with Section 2-103.11 as verified by the inspector’s observations** continued, as the this would pragmatically demonstrate compliance, with no negative impact. The word **inspector** was discussed, and as the Food Code does not define the word inspector an amendment to change the word inspector was discussed.
  - Chirag Bhatt made a motion to accept this language with an amendment, seconded by Mick Miklos and the group voted in favor of a change. Through discussion Chirag made a motion to accept the language as amended, and Hector D. provided a second. The group voted all in favor of the below change.
    - **D). Being in compliance with Section 2-103.11 as verified during the current inspection.**
  - Further discussion about the FDA process in accepting this language was continued – and the statement that the language is not as important as a sound rationale and intent. The rationale is the most important, not the specific verbiage.
    - Rationale: “Whether it’s a Certified Food Protection Manager or a Person in Charge, the best way to evaluate food safety in a food establishment is by observing what is actually being practiced or demonstrated. This is the intent of the Demonstration of Knowledge concept. It is very possible to know what one should do to ensure food safety, but it’s what is actually being done that helps ensure food safety.<sup>a</sup>
      - <sup>a</sup> Demonstration of Knowledge Guidelines: A Manager’s Food Safety Handbook, Lorna Girard, et.al., Minnesota Departments of Agriculture & Health, 2002 (reprinted 2010)
    - Recommended language: That a letter be sent to the FDA requesting that the 2017 Food Code be amended by adding a new paragraph to Section 2-102-11 as follows (underline format used for new language): Complying with this Code by having no violations of Priority Items during the current inspection; Pf Being a Certified Food Protection Manager who has shown proficiency of required information through passing a test that is part of an accredited program; Pf Responding correctly to the inspector’s questions as they relate to the specific food operation. The areas of knowledge include (see C (1) – (17); Pf **or**
    - **Being in compliance with Section 2-103.11 as verified during the current inspection**
  - Joetta thanked the group for their professionalism and commitment to the subcommittee and inquired if the group would be amenable to supporting Group 2. The decision was made to reach out to current

members via email and determine if support would be feasible given everyone's work schedules; and then report back to Jo.

- **Call adjourned at 12:25 pm.**
-