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ASSEMBLY OF VOTING DELEGATES
CONFERENCE FOR FOOD PROTECTION MEETING

APRIL 16TH, 2008
OMNI SAN ANTONIO HOTEL
SAN ANTONIO, TEXAS
8:30 a.m.

ARLINDA L. RODRIGUEZ
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1 (Proceedings began at 8:32 a.m.)

2 The Assembly of State Voting Delegates
3 of the 2008 Conference for Food Protection was convened
4 at the Omni San Antonio Hotel at the Colonnade,
5 San Antonio, Texas, with Elizabeth Nutt, conference
6 Chair, presiding.

7 THE CHAIR: Okay. I'm going to go ahead
8 and call the general assembly to order. I would like to
9 welcome you to the 2008 Conference for Food Protection
10 General Assembly. I would like to make introductions of
11 my colleagues here on the riser.

12 To my immediate left -- immediate right,
13 Mr. Allen Gelfius, our parliamentarian; Mr. Jeff
14 Lineberry, our executive director; and Mr. Trevor Hayes,
15 our executive treasurer. To my left we have Ms. Lee
16 Cornman, Council I Chair; Mr. John Gurrisi, Council II
17 Chair; and Mr. David Ludwig, Council III Chair. He's
18 being two people today. And where is Ben? Is Ben Gale
19 here? And Ben Gale. He's coming. He's always late.

20 I do want to say just a few thank yous to
21 the wonderful, wonderful group here, the delegates the
22 council members, the committee members, the hotel, the
23 LAC Committee. This has been an exceptional
24 conference. It has run smoothly, again, showing the
25 true collaborative spirit that this conference

1 encourages and promotes. And I have enjoyed being a
2 part of this organization.

3 And now I will turn it over to Jeff to
4 conduct the delegate role call.

5 JEFF LINEBERRY: Good morning, ladies and
6 gentlemen. I will begin with the role call of states.
7 As I read out the name of your state, I'd like you to
8 respond by indicating the share of the vote you have.
9 If you have a full vote, so state. If you have less
10 than a full vote, please indicate the share of the vote
11 you have; for instance, one-half or one-third.

12 Alabama?

13 ALABAMA: Full vote.

14 JEFF LINEBERRY: Alaska?

15 ALASKA: Full vote.

16 JEFF LINEBERRY: Arizona?

17 ARIZONA: Full vote.

18 JEFF LINEBERRY: Arkansas?

19 ARKANSAS: Full vote.

20 JEFF LINEBERRY: California?

21 CALIFORNIA: Full vote.

22 JEFF LINEBERRY: Colorado?

23 COLORADO: Full vote.

24 JEFF LINEBERRY: Connecticut?

25 CONNECTICUT: Full vote.

1 JEFF LINEBERRY: Delaware?

2 DELAWARE: Full vote.

3 JEFF LINEBERRY: Florida?

4 FLORIDA: One-third vote.

5 FLORIDA: One-third vote.

6 FLORIDA: One-third vote.

7 JEFF LINEBERRY: Georgia?

8 GEORGIA: One-half and one-half.

9 JEFF LINEBERRY: Hawaii?

10 HAWAII: Full vote.

11 JEFF LINEBERRY: Idaho?

12 IDAHO: Full vote.

13 JEFF LINEBERRY: Illinois?

14 ILLINOIS: Full vote.

15 JEFF LINEBERRY: Indiana?

16 Indiana: Full vote.

17 JEFF LINEBERRY: Iowa?

18 IOWA: Full vote.

19 JEFF LINEBERRY: Kansas?

20 KANSAS: Half vote.

21 KANSAS: Half vote.

22 JEFF LINEBERRY: Kentucky?

23 KENTUCKY: Full vote.

24 JEFF LINEBERRY: Louisiana?

25 LOUISIANA: Full vote.

1 JEFF LINEBERRY: Maine?
2 MAINE: Full vote.
3 JEFF LINEBERRY: Maryland?
4 MARYLAND: Full vote.
5 JEFF LINEBERRY: Massachusetts?
6 MASSACHUSETTS: Full vote
7 JEFF LINEBERRY: Michigan?
8 MICHIGAN: Full vote.
9 JEFF LINEBERRY: Minnesota?
10 MINNESOTA: One-half
11 MINNESOTA: Half vote.
12 JEFF LINEBERRY: Mississippi?
13 MISSISSIPPI: Full vote.
14 JEFF LINEBERRY: Missouri?
15 MISSOURI: Full vote.
16 JEFF LINEBERRY: Montana?
17 MONTANA: Full vote.
18 JEFF LINEBERRY: Nebraska?
19 NEBRASKA: Half vote.
20 NEBRASKA: Half vote.
21 JEFF LINEBERRY: Nevada?
22 NEVADA: Full vote.
23 JEFF LINEBERRY: New Hampshire? There is
24 no representative from New Hampshire.
25 New Jersey?

1 NEW JERSEY: Full vote.
2 JEFF LINEBERRY: New Mexico?
3 NEW MEXICO: Full vote.
4 JEFF LINEBERRY: New York?
5 NEW YORK: Half vote.
6 NEW YORK: One-half.
7 JEFF LINEBERRY: North Carolina?
8 NORTH CAROLINA: Full vote.
9 JEFF LINEBERRY: North Dakota?
10 NORTH DAKOTA: Full vote.
11 JEFF LINEBERRY: Ohio?
12 OHIO: Full vote.
13 JEFF LINEBERRY: Oklahoma?
14 OKLAHOMA: Full vote.
15 JEFF LINEBERRY: Oregon?
16 OREGON: One-half
17 OREGON: One-half.
18 JEFF LINEBERRY: Pennsylvania?
19 PENNSYLVANIA: Full vote.
20 JEFF LINEBERRY: Rhode Island?
21 RHODE ISLAND: Full vote.
22 JEFF LINEBERRY: South Carolina?
23 SOUTH CAROLINA: Full vote.
24 JEFF LINEBERRY: South Dakota?
25 SOUTH DAKOTA: Full vote.

1 JEFF LINEBERRY: Tennessee?
2 TENNESSEE: Full vote.
3 JEFF LINEBERRY: Texas
4 TEXAS: Full vote.
5 JEFF LINEBERRY: Utah?
6 UTAH: Half vote.
7 UTAH: Half vote
8 JEFF LINEBERRY: Vermont?
9 VERMONT: Full vote.
10 JEFF LINEBERRY: Virginia?
11 VIRGINIA: Half vote.
12 VIRGINIA: Strong half vote.
13 JEFF LINEBERRY: Washington?
14 WASHINGTON: Full vote.
15 JEFF LINEBERRY: West Virginia?
16 WEST VIRGINIA: Full vote.
17 JEFF LINEBERRY: Wisconsin?
18 WISCONSIN: Half vote.
19 WISCONSIN: Half vote.
20 JEFF LINEBERRY: Wyoming?
21 WYOMING: Full vote.
22 JEFF LINEBERRY: District of Columbia?
23 DISTRICT OF COLUMBIA: One-half.
24 JEFF LINEBERRY: Territory of Guam?
25 No representation.

1 Puerto Rico?

2 PUERTO RICO: Half vote.

3 JEFF LINEBERRY: Mariannas?

4 No representation.

5 American Samoa?

6 No representation.

7 JEFF LINEBERRY: That completes the role
8 call. The parliamentarian will ascertain what
9 constitutes a majority and what constitutes two-thirds,
10 and we'll have the total number of delegates present
11 here in a moment. We are represented by 49 states, the
12 District of Columbia, and one territory.

13 Caucus elections to fill the positions on
14 the executive board this year resulted in the following
15 members being named to the board: In the state
16 regulatory group for the Pacific Region, Dave Gifford
17 from the State of Washington. His term will expire in
18 2014;

19 For the Mid-Atlantic states, Sheri Morris
20 from Pennsylvania. Term expires in 2014;

21 In the Southwest Region, Mary Fandrey
22 from the Missouri Agriculture Department. Her term
23 expires -- excuse me -- Missouri Health. Excuse me.
24 Term expires in 2012;

25 In the local regulatory group for the

1 Pacific Region, David Ludwig from Maricopa County,
2 Arizona. Term expires 2014;

3 For the mid-Atlantic, Mike Diskin,
4 Allegheny County Health in Pennsylvania. Term expires
5 2010;

6 For the Southwest Region, Elizabeth Nutt
7 Tulsa, Oklahoma. Term expires 2014;

8 And the Midwest, Roger Coffman from
9 Illinois. Term expires 2012;

10 For the industry at large delegate
11 elected was Donna Garren of the National Restaurant
12 Association. Term expires in 2014;

13 Representing Food Manufacturing, Michael
14 Roberson, Publix Markets. Term expires 2014;

15 And for the Vending Industry segment,
16 Frank Ferko of the U.S. Food Service. Term expires in
17 2014;

18 For Academia, Dr. David McSwane of
19 Indiana University, Purdue University in Indianapolis.
20 His term expires 2014;

21 The consumer position on the board is
22 vacant at this time. In addition your executive board
23 has confirmed the appointment of the following members
24 to position of council vice chair: For Council I,
25 Ms. Karen Reid of the West Hartford-Bloomfield Health

1 District;

2 For Council II, Mr. Doug Campbell of
3 Environmental Health Testing;

4 And for Council III, Dr. Richard Linton
5 of Purdue University.

6 I want to also advise you that our 2010
7 conference meeting will be held April 9th through the
8 14th, 2010 at the Westin Hotel in Providence, Rhode
9 Island. Please mark those dates and plan to attend.
10 The dates are also posted on the conference Web site
11 located at www.foodprotect.org.

12 I have an important notice to read at
13 this time: A quorum must be present. A quorum is
14 defined as the presence of registered voting delegates
15 from at least two-thirds of the states with designated
16 official delegates in attendance at the conference
17 meeting. Each territory and the District of Columbia
18 shall count as one-half vote -- one-half state in
19 constituting quorum.

20 A two-thirds majority is required to
21 change a procedure adopted at a previous conference or
22 to make changes in the constitution and bylaws. Other
23 actions require a simple majority unless specifically
24 covered by Robert's Rules of Order. The voting choices
25 are as follows: Yes, no, or abstain.

1 The council recommendation cannot be
2 changed. Votes are cast by a show of hands by the
3 voting delegates. Role call notes are taken only if
4 requested by a delegate. Thank you.

5 THE CHAIR: Thank you, Jeff. Just a few
6 other words before we begin. I did want to recognize my
7 vice chair, Larry Kohl. Larry, thank you so much for
8 keeping me safe.

9 I also want to make sure that Cory Hedman
10 and Fred Reimers are not sitting together.

11 I'll continue on with some housekeeping
12 rules as soon as Trevor finishes his report. I
13 apologize, Trevor.

14 TREVOR HAYES: What just happened gives
15 credence to the thought, "Forgotten but not gone."

16 I have a brief report for you. We
17 started with 415 registrants in advance of the biennial
18 meeting. Slightly in advance of the biennial meeting,
19 we lost about 15 for other commitments. And then as a
20 result, in large part because of the transportation
21 difficulties we all had, we lost another 17. Our net
22 registration at this point is 388. That compares quite
23 favorably with the registration in Columbus. And, given
24 the circumstances of this meeting, I think it shows that
25 it bodes well.

1 Our workshop registration approximates
2 220, almost identical to that in Columbus. And I thank
3 you for that.

4 Our total membership for the first time
5 ever -- this is a record -- is over 700. This is paid
6 members. Never before. We have a virtual even split
7 between regulatory and industry, again, an indication of
8 good balance within this organization.

9 And I think also an example of a pattern
10 that has evidenced itself over recent years, we have 150
11 new members. To me that's a good indication that we
12 have people interested, willing to come, know about our
13 organization, and make the commitment to come here and
14 spend five to six days and a lot of money to make this
15 happen.

16 Our year-end -- this is year-end now,
17 2007. So there will be some -- definitely some
18 expenditures and registration activity that occurred
19 since the year-end. But our year-end treasury shows
20 \$150,000 in the treasury. This amount of money will
21 carry on the business for the next two-year period and
22 it shows us to be in good stead from a treasury
23 standpoint.

24 If you are interested, we also post our
25 quarterly financial reports on the Web site, and you are

1 welcome to view that. Please do so.

2 Our financial health is also due in large
3 part to support, shall I say, tremendous support from
4 our corporate sponsors. This year we had a record
5 \$72,000 in corporate sponsorship money. Thank you very
6 much.

7 (Applause)

8 That was 37 sponsors, and we have renewed
9 interest in the sponsorship campaign. We've been
10 approached by a number of people who are already
11 expressing interest in future support for Providence
12 beyond. With that, that concludes my report, Madam
13 Chair.

14 THE CHAIR: Okay. Just some housekeeping
15 things. Again, we'll remind you to please turn off your
16 cell phones and the pagers so as not to disrupt the
17 proceedings. And we also ask that the delegates please
18 remain in the room during voting. If for some reason
19 you have to leave, please let us know. And if you're
20 not returning and you've made arrangements to have a
21 proxy, that will be fine. We'll ask that you do remain
22 in the room during voting proceedings.

23 If you wish to speak to an issue, please,
24 if you are close, come to the microphones. If you are
25 unable to get to the microphone in a timely manner, we

1 ask that you stand and speak loudly. You must state
2 your name and your state and/or affiliation so that the
3 stenographer can record that information.

4 If you are in the audience and wish to
5 speak, you must be recognized by a delegate to yield the
6 floor to you. And the chair will recognize you after
7 you've introduced yourself to speak.

8 As tradition has it, we would like to
9 keep the deliberations to a minimum, so we've
10 traditionally had a motion to limit the debate time. So
11 if it is the will of delegates to do so, I will
12 entertain a motion now to limit the length of time.

13 Mr. David Ludwig?

14 DAVID LUDWIG: Madam Chairman, David
15 Ludwig, Arizona. I vote that we limit debate on
16 extracted items to a total of ten minutes with a maximum
17 time of two minutes per speaker.

18 THE CHAIR: We have a motion on the
19 floor. Is there a second?

20 RIC MATHIS (FLORIDA): I second.

21 THE CHAIR: Okay. So we have a second.
22 Is there any discussion on the length of time.

23 (No response)

24 So we have a motion on the floor to limit
25 the debate to ten minutes total, beginning with the

1 speaker -- the presenter for two minutes and then two
2 minutes thereafter per speaker. All those in favor say
3 yes.

4 FROM THE FLOOR: Yes.

5 THE CHAIR: Any opposed?

6 (No response)

7 Motion carries.

8 Did you get that? Two minutes per
9 speaker. Okay. Now I'll return the podium over to
10 Mr. Al Gelfius for further instructions on our
11 procedures.

12 PARLIAMENTARIAN GELFIUS: Good morning.
13 I hope y'all are well today. I know that you've come
14 prepared to debate and you're going to play nice by the
15 rules. But just as a matter of order, we're going to go
16 through them and quickly review them.

17 In a few moments we will ask each of the
18 chairs to come forward. The chairs will present a
19 report from their council. We will go in order, Council
20 I, II, and then III.

21 Each report will contain two parts.
22 Part 1 of each report will contain those issues for
23 which the council is recommending that you pass the
24 issue, either as written or as amended. So they are the
25 affirmative recommendations. Part 2 of each council

1 report will be those issues for which the council is
2 recommending that this body take no action.

3 Okay. The process of the Conference For
4 Food Protection is that the items come from the council
5 to the assembly with recommendation from the council.
6 Therefore, we will entertain those issues as affirmative
7 motions. The intent is that the council wants this body
8 to follow their recommendation.

9 All right. We will take each part of
10 each report in pieces. So each council chair will come
11 forward and present their report for Part 1, the
12 affirmatives. If you would like to extract an issue for
13 further discussion, you simply need to rise, identify
14 yourself, and request that it be extracted at the time
15 that Ms. Elizabeth asks for you to do that. We do not
16 have to vote to extract an issue. Any delegate may
17 extract one.

18 Once all of the issues from Part 1 of a
19 report have been extracted, we will then entertain a
20 motion to accept the remaining part of that package as a
21 whole, and we will vote to accept them. In other words,
22 we're voting to accept the council's recommendation.

23 We will then go through each issue that
24 was extracted individually and entertain discussion. As
25 we just discussed, we will have a time limit for each

1 issue that is extracted of ten minutes with two minutes
2 limited for each speaker.

3 Okay. Once we have finished Part 1 of
4 council report, we will move to Part 2. Those are the
5 items again for which the council is recommending that
6 you take no action. If you extract an issue for which
7 the council's recommending no action, then presumably
8 you don't want the issue to die because that's where
9 it's going. That means you want to discuss it.

10 Let me make clear that that issue that
11 has been recommended for no action has only one
12 alternative. It can go back to the executive board for
13 further review and deliberation, and its determination
14 at that point is up to the board.

15 Okay. Because those are no-action items,
16 we can be a little confused sometimes, so let me make
17 sure that we are clear. Again, even if we extract a
18 no-action issue and discuss it, the motion we're going
19 to entertain is to accept the council's recommendation
20 for no action. So if you are not in favor of no action
21 after the discussion, you have to vote no to the no
22 action. If you vote yes, in favor of no action, then
23 the issue dies.

24 Okay. There will be no tweaking or
25 changing of the issues, much as it might please us to

1 dream of doing so. The affirmative issues come forward
2 and are voted and could be discussed, but we will not
3 change them. The language that is in the issue is the
4 language that goes forward to the executive board.
5 Whatever direction is there is there.

6 Okay. So if we discuss an issue, for
7 example, that the recommendation from the council is to
8 approve as written or as amended and you want to extract
9 it and discuss it, your only option is to endorse the
10 council's recommendation and send it forward or defeat
11 it, in which case it dies. There is no changing of
12 language before. You cannot change the letter that's
13 going to a particular agency. It will not happen.

14 Any questions on parliamentary procedure?

15 (No response)

16 We do have a quorum present. The numbers
17 ironically turned out convenient for us. There is a
18 total present today of 50 full votes. A quorum is
19 present. A quorum represents two-thirds. Two-thirds
20 for voting purposes will be 33, and the majority will
21 be 26.

22 The constitution and bylaws issues in the
23 Council II report will automatically be extracted per
24 our constitution and bylaws. So you do not have to
25 extract those. You are welcome to extract others from

1 Council II.

2 If there are no questions, I'll turn it
3 back to Madam Chair. Thank you.

4 THE CHAIR: Okay. At this time we're
5 ready to hear Council I report. Ms. Cornman, would you
6 please give us the report for Council I.

7 LEE CORNMAN: Thank you, Madam Chair. It
8 was a great honor for me to serve as the Council I
9 chair. I truly am grateful for the opportunity. I
10 would like to take this opportunity to express my
11 appreciation to those who served for the past two years
12 as committee chairs and their members, to the council
13 members, the scribing members, and my two vice chairs.

14 On behalf of my vice chair, Terry Levee
15 and the council members, I would like to submit Part 1
16 of Council I report. For Part 1 we have 12 issues
17 accepted as submitted, five issues accepted as amended.
18 Of those five issues that were accepted as amended, No.
19 19 and No. 20 were combined issues.

20 THE CHAIR: Yes. That's Part 1. Does
21 anyone wish to extract an issue from Part 1 of
22 Council I's report?

23 RICHARD CLARK (UTAH): Madam Chairman,
24 Richard Clark, the Utah Department of Agriculture. And
25 I would request that items I-19, I-21, and I-22 be

1 extracted.

2 THE CHAIR: We have a request to extract
3 Issue 19, 21 and 22 from Council I, part one's report.
4 Any other extractions?

5 (No response)

6 Hearing none, I will now entertain a
7 motion to accept Part 1 of Council I's report. Do I
8 have a motion?

9 PATRICK GUZZLE (IDAHO): So moved.

10 KAREN REID (CONNECTICUT): Second.

11 THE CHAIR: Is there any discussion?

12 (No response)

13 All those in favor of accepting the
14 report of Part 1 of Council I, please say yes.

15 FROM THE FLOOR: Yes.

16 THE CHAIR: All those opposed -- any
17 opposed, please say no.

18 (No response)

19 The motion carries.

20 Now, we will -- let's see. I will
21 entertain a motion to accept the council recommendation
22 for Issue No. 19. Do I have a motion to accept -- do I
23 have a motion to accept the council recommendation for
24 Issue No. 19?

25 CHRIS GORDON (VIRGINIA): So moved.

1 THE CHAIR: Do I have a second?

2 SUSAN STRONG (CALIFORNIA): Second.

3 THE CHAIR: Okay. Is there any
4 discussion? And, again, a reminder that the agreed upon
5 time limit for this is ten minutes, two per speaker.

6 CHRIS GORDON (VIRGINIA): Madam Chair,
7 I'd like to recognize Dale Yamnik from the Creek Valley
8 Work Group.

9 THE CHAIR: Dale?

10 DALE YAMNIK: Thank you, Madam Chair,
11 delegates. Just wanted to take a quick minute and a
12 little discussion. I didn't understand there were a few
13 people who had some concerns regarding how this was
14 going to be used. In that fairly lengthy spreadsheet as
15 one of the attachments that had been submitted. In
16 addition to that, there was a list or a few pages that
17 explains how to use the spreadsheet.

18 There was some concern from individuals
19 that this would need to be used by inspectors in the
20 field. That is not the intention. That spreadsheet and
21 those instructions were initially designed as FDA went
22 through the process, we value which each of those --
23 which category each of those provisioned food codes
24 should fall into.

25 Going forward we would see that being

1 used only in a meeting like this, for instance, where
2 people wanted to go back, evaluate, and see if there
3 should be a change on that designation. Additionally,
4 we did have earlier discussion at the close of meetings
5 yesterday, and I think we've got a pretty consensus that
6 we're going to not finalize this until the end of this
7 year, which is going to be going back to the board for a
8 little recommendation on it as well, too.

9 But I think we're moving forward with
10 this. The terminology was a concern, and that's being
11 worked out with the committee that is going forward on
12 it as well. So thank you.

13 THE CHAIR: Next speaker, please.

14 RICHARD CLARK (UTAH): Madam Chair,
15 Richard Clark, Utah Department of Agriculture and Food.

16 And, for brevity, I will address my
17 comments now to all of the three extracted issues
18 because they're all tied together. And I want to
19 recognize people involved who have done all the work
20 coming together with the criticality recommendations. I
21 know it's a lot of work, and a lot of time has been
22 invested.

23 But to my fellow delegates from the
24 states, I want to ask you: Is this really needed for
25 you to protect public health? Are you doing a good job

1 now? If you are, then I will suggest this is not
2 needed. In Utah it took us 15 years just to get the
3 critical and noncritical concepts sold and trained not
4 only to the industry but also to our own enforcement
5 people. And when I think of taking this to them, I
6 have -- you know, my knees shake on this.

7 Utah Local Health Department, Utah Public
8 Health, Utah Department of Agriculture and Food, we're
9 all unanimous this is not needed at this time. And I
10 just want you to think about the bottom line for you as
11 regulators. And, again, I've talked to my industry
12 colleagues in the west, and they like this. And I think
13 they have very good reasons to like it, you know.

14 But I want to say to them, you know, if
15 this becomes hard for us to do, you're not going to like
16 it in the real application of it in the world because
17 it's going to make things even worse for you than they
18 now are, especially those for you in multiple
19 jurisdictions.

20 So for you delegates, just think about
21 it. Is this really needed right now for you to do your
22 jobs? When this issue first came up in the year 2000,
23 the charge was to change the word "critical" to
24 something else and, somehow, it got to where it's at.

25 And I read the reports before this

1 meeting. I stayed up late last night, you know,
2 suffering over this. I still see differences between
3 the CFP, regulatory people, and the FDA on what's
4 critical. Some things are core for some people but
5 they're priority for other people in that. And that
6 bothers me. That means we're a long way, really, from
7 making this thing work. And I encourage you to oppose
8 the council's recommendation on these three particular
9 items. Thank you.

10 THE CHAIR: Next speaker, please.

11 PRISCILLA NEVES (MASSACHUSETTS): Good
12 morning. Priscilla Neves, Massachusetts Department of
13 Public Health. I'll try to keep it to two minutes
14 here. First of all, I would like to again thank the
15 committee and FDA that worked on this issue. And also
16 to the council, it was an incredible amount of time and
17 work, and we all recognize that.

18 I had some serious concerns in terms of
19 when it went through the council for the first time, and
20 my heart could not support it. The process in which it
21 was returned by the council and with the work that was
22 done in recognizing that there was still some issues, I
23 think with the amendments that were made were such that
24 it could salvage this so we would not have to throw out
25 all of the work that was done.

1 Ninety-nine percent of that work brings
2 us to a new level. The implementation piece, that
3 1 percent, is so important that I think we do need to
4 continue to work on that because that will make or break
5 how we go forward. And I think it will address maybe
6 some of the issues that our colleague here from Utah has
7 raised. So I ask people to support this because I think
8 that, again, the work that has been done, we don't want
9 to stop the momentum.

10 THE CHAIR: Is there any other discussion
11 on this Extraction Issue No. 19?

12 (No response)

13 Hearing none, we will now vote on the
14 issue. Again, this was an issue that was accepted by
15 council recommendation to accept it as amended. All
16 those in favor of accepting the council recommendation
17 on Issue No. 19, please say yes.

18 FROM THE FLOOR: Yes.

19 THE CHAIR: All those opposed, please say
20 no.

21 FROM THE FLOOR: No.

22 THE CHAIR: I think the motion carries to
23 accept Issue No. 19 as recommended.

24 Now we are going to debate Issue No. 21.
25 Okay. I'll entertain a motion to accept Issue No. 21.

1 Do I have a motion?

2 CHRIS GORDON (VIRGINIA): So moved.

3 KAREN REID (CONNECTICUT): Second.

4 THE CHAIR: Is there any discussion on
5 Issue No. 21?

6 (No response)

7 Are you sure? Well, then I will --
8 okay. I will entertain a vote then of all those in
9 favor of accepting the council recommendation on Issue
10 No. 21, please say so by saying yes.

11 FROM THE FLOOR: Yes.

12 THE CHAIR: All those opposed, say no.

13 FROM THE FLOOR: No.

14 THE CHAIR: Motion carries.

15 And, again, I will now entertain a motion
16 to accept the council recommendation for Issue No. 22.
17 Do I have a motion please?

18 COLLEEN PAULUS (MINNESOTA): So moved.

19 THE CHAIR: Second?

20 JOHN LUKE (MISSISSIPPI): Mississippi.

21 THE CHAIR: Is there any discussion on
22 Issue No. 22?

23 (No response)

24 I'm hearing none, all those in favor of
25 accepting the council recommendation on Issue No. 22,

1 please say yes.

2 FROM THE FLOOR: Yes.

3 THE CHAIR: Those opposed, please say no.

4 FROM THE FLOOR: No.

5 THE CHAIR: Motion carries.

6 Now we will listen to Ms. Cornman's
7 report for Part 2 of Council I.

8 LEE CORNMAN: Thank you, Madam Chair.
9 For Part 2 we had ten issues that were categorized as a
10 no action by the council. Of those ten issues, Issues
11 No. 10 and No. 11 were combined and Issues No. 6 and
12 No. 26 were combined issues.

13 THE CHAIR: Okay. Is there any
14 extraction from Part 2 of Council II?

15 ANGELA KOHLS (KANSAS): Madam Chair, I'd
16 like to extract the combined issue of 10 and 11.

17 THE CHAIR: Are there any other
18 extractions?

19 TRESSA MADDEN (OKLAHOMA): Madam Chair, I
20 would like to extract No. 12.

21 THE CHAIR: Mr. Julian?

22 ERNEST JULIAN (RHODE ISLAND): I'd like
23 to extract No. 16.

24 THE CHAIR: Sixteen. Are there any other
25 extractions for Part 2, Council I?

1 (No response)

2 Hearing none, I will now entertain a
3 motion to accept the remaining issues of Part 2,
4 Council I minus the extracted issues. Do I have a
5 motion?

6 SUSAN PARACHINI (COLORADO): So moved.

7 THE CHAIR: Second?

8 COLLEEN PAULUS (MINNESOTA): Second.

9 THE CHAIR: All those in favor of
10 accepting Part 2 of report Council I minus the extracted
11 issues, please say yes.

12 FROM THE FLOOR: Yes.

13 THE CHAIR: All those opposed, please say
14 no.

15 (No response)

16 Motion carries.

17 Okay. I will now entertain a motion to
18 bring forward the extracted issue -- combined issue of
19 10 and 11. Do I have a motion?

20 TRESSA MADDEN (OKLAHOMA): So moved.

21 THE CHAIR: Second?

22 MARY FANDREY (MISSOURI): Second.

23 THE CHAIR: Any discussion?

24 ANGELA KOHLS (KANSAS): Madam Chair,
25 Angela Kohls, Kansas Department of Health Environment.

1 The issue for the combined issue of 10 and 11 was about
2 the demonstration of knowledge by the person in charge,
3 but it's also -- it mainly relates to responding
4 correctly to the inspector's questions.

5 The area of knowledge includes a list of
6 17 items. This approach to determining compliance is
7 very subjective in manner in which the questions may be
8 asked and a determination what constitutes a correct
9 answer. No guidance has been provided regarding
10 partially correct answers or even the number of
11 questions that must be correctly answered to determine
12 that the person in charge has passed this
13 demonstration.

14 The person in charge, as written, would
15 have to answer all 17 items correctly in order to pass
16 this section. The process of verbally quizzing a person
17 in charge at the time of the inspection is also time
18 consuming for both the inspector and the person in
19 charge. The focus of the discussion during the
20 inspection should be on operational aspects of the food
21 establishment rather than wide-ranging,
22 general-knowledge questioning.

23 Attempting to determine compliance by
24 verbal testing can detract from the more important
25 aspects of the inspection and hamper in communication by

1 the person in charge if they become embarrassed by not
2 knowing the correct answers.

3 Basic knowledge of food safety
4 requirements is essential for the person in charge in
5 order to safely manage a food establishment. While
6 council failed to endorse this proposed solution, the
7 stated problem is valid and a detriment to the
8 establishment and the uniform knowledge for all food
9 service manager.

10 THE CHAIR: Thank you. Are there any
11 other speakers to speak on this item, this issue?

12 (No response)

13 Hearing none. Again, this was a
14 no-action item, so all those in favor of accepting the
15 council recommendation on issue -- combined Issue 10-11,
16 please say yes.

17 FROM THE FLOOR: Yes.

18 THE CHAIR: All those opposed, please say
19 no.

20 FROM THE FLOOR: No.

21 THE CHAIR: Okay. Let's try to do this
22 by show of hands, please, so we can expedite the
23 process. And I do ask that you raise your hand very
24 high so the parliamentarian can see your votes and keep
25 them up through the remainder of the tally so we can

1 accurately capture your vote.

2 So all those in favor of accepting the
3 council recommendation, please raise your hand.

4 PARLIAMENTARIAN GELFIUS: Motion
5 carries.

6 THE CHAIR: Motion carries. On the next
7 extracted issue, I will now entertain a motion to accept
8 the council recommendation for Issue 12. Do I have a
9 motion?

10 CHRIS GORDON (VIRGINIA): So moved.

11 STEVE MORRIS (KANSAS): Second.

12 THE CHAIR: Is there any discussion?

13 TRESSA MADDEN (OKLAHOMA): The issue with
14 the person in charge, it says that it shall ensure. And
15 this goes to a list of various management duties that
16 were listed as was performed by the person in charge.
17 Some of these required duties, as visual observation,
18 periodic evaluation, and routine monitoring.

19 The code is silent in regarding how the
20 regulatory authority is to determine compliance and what
21 is satisfactory. What we're looking for is a measurable
22 amount. We have inconsistency, and what we'd like to
23 address them in the code in some sort of measurable
24 amount of how you can determine that the person in
25 charge is responsible. So ...

1 THE CHAIR: Is there any other discussion
2 on Issue No. 12?

3 (No response)

4 Hearing none, I'll now entertain a vote,
5 I suppose. All those in favor of accepting the council
6 recommendation on Issue No. 12, please say yes.

7 FROM THE FLOOR: Yes.

8 THE CHAIR: All those opposed, please say
9 no.

10 FROM THE FLOOR: No.

11 THE CHAIR: We will again take a
12 hand-raising vote on this issue. Again, I'll remind you
13 hands high so we can conduct the tally. So all those in
14 favor of accepting the council recommendation on
15 Issue 12, please raise your hand.

16 PARLIAMENTARIAN GELFIUS: Motion carries.

17 THE CHAIR: Motion carries. Okay. I
18 will now entertain a motion to accept the council
19 recommendation for Issue No. 16. Do I have a motion?

20 SCOTT GILLIAM (INDIANA): So moved.

21 THE CHAIR: Second?

22 DAVID READ (MINNESOTA): Second.

23 THE CHAIR: Any discussion?

24 ERNEST JULIAN (RHODE ISLAND): Yes.

25 Originally the bill was submitted -- or the issue was

1 submitted to prohibit undercooked animal foods from
2 being served in child's menus. And I received comments
3 back from the FDA and also the industry that they felt
4 that that went too far. So I submitted an amendment to
5 the council. The amendment said, The conference
6 recommends that a letter be sent to FDA requesting that
7 FDA develop and implement a plan to reduce the higher
8 rates of illness in children due to E. coli O157:H7,
9 salmonella and other food-borne illnesses. This plan
10 should include modifications of the food code to
11 prohibit undercooked ground beef from being served on
12 children's menus.

13 Now, there still seems to be some concern
14 about the second part of that. There seems to be a wide
15 agreement what we hear about developing the plan, though
16 I heard from the industry that they wanted input on
17 developing a plan. The literature and the science is
18 clear. The rate of E. coli O157:H7 for children is
19 three times the national rate for the general
20 population. Their HUS 2.6 times. For salmonella it's
21 four times. That's based on FoodNet data that was just
22 released.

23 We know thorough cooking kills these
24 organisms. In Rhode Island in 1994, we passed a law
25 that prohibited the sale of undercooked ground beef to

1 children. Basically, since then, our rate has been the
2 lowest through all of New England. We're at half the
3 national rate at this point in time.

4 Last year there were 545 cases of E. coli
5 O157:H7. What concerns me is if we do nothing for two
6 years, we're talking about approximately 1100 additional
7 cases. What I'm asking is that the delegates vote no on
8 this issue so that it goes to the executive board and
9 some action can be -- can begin on developing a national
10 plan to reduce food-borne illnesses in kids.

11 And I'd like to recognize Kevin Smith
12 from FDA.

13 THE CHAIR: Mr. Smith?

14 KEVIN SMITH (FDA): Madam Chair,
15 assembly, the FDA remains committed to reducing the risk
16 of food-borne illnesses associated with the consumption
17 of undercooked hamburger products. And we are open to
18 considering how the consumer can best be protected.
19 We're certainly open to how the food code and the state
20 local code modeled after it can best play their part in
21 reducing those risks.

22 So while we have concerns about the issue
23 as submitted and how the code can best accomplish what
24 we all want to accomplish in reducing the risk,
25 especially to children, we did have some concerns with

1 the amended original submittal. Should this assembly
2 vote to reject the no action and this issue be returned
3 to the board, FDA will continue to be committed to
4 working to find the best solution for how the food code
5 can protect children and we'll make ourselves fully
6 available to consider how that could be done. Thank
7 you.

8 THE CHAIR: Any other discussion on Issue
9 No. 16?

10 (No response)

11 Hearing none, we'll now vote on the
12 issue. All those in favor of accepting the council
13 recommendation on Issue No. 16, please say yes.

14 FROM THE FLOOR: Yes.

15 THE CHAIR: All those opposed, please say
16 no.

17 FROM THE FLOOR: No.

18 THE CHAIR: I think the nos have it. So
19 that motion is defeated and will go back to the
20 executive board.

21 Now we will move to Council II's report.
22 If you could give us the report for Council II.

23 JOHN GURRISI: Thank you, Madam Chair.
24 It has certainly been an honor to have served as
25 Council II Chair during the past two years. I'd like to

1 extend my sincere thanks to your Council II Vice Chair,
2 Aggie Hale, our parliamentarian, scribes, and runners,
3 and last but certainly not least, our council members.
4 All of them did their part in making the deliberations
5 within Council II a most productive and positive
6 experience.

7 In total, Council II deliberated 59
8 issues. Thirty-three were accepted as submitted; 24
9 were accepted as amended.

10 THE CHAIR: Okay. As a matter of
11 procedure, we will extract the constitutional bylaw
12 issues. So we will be extracting issues II-001 through
13 II-028. Also Issue No. II-30, issue II-58, and II-59.
14 With that I will now entertain a motion to accept Part 1
15 of Council II's report minus the extracted issues.
16 Excuse me. I am sorry. Are there any other extractions
17 for Part 1 of Council II?

18 (No response)

19 Hearing none. Again, I will entertain a
20 motion now to accept Part 1 of Council II's report.

21 SUSAN PARACHINI (COLORADO): So moved.

22 THE CHAIR: Do I have a second?

23 RONALD KLEIN (ALASKA): Second.

24 THE CHAIR: All those in favor of
25 accepting the report -- excuse me -- Part 1 of

1 Council II, please say yes.

2 FROM THE FLOOR: Yes.

3 THE CHAIR: All those opposed, please say
4 no.

5 (No response)

6 Now we'll vote on the extractions.

7 Would anybody like to extract an
8 individual constitution bylaws issue?

9 (No response)

10 Hearing none, I will now entertain a
11 motion to accept the constitution bylaws issue as one
12 vote for the issues that I mentioned.

13 RIC MATHIS (FLORIDA): I move that we
14 accept the extracted constitutional bylaws issues as one
15 vote.

16 THE CHAIR: Thank you. Do I have a
17 second?

18 PATRICK GUZZLE (IDAHO): Second.

19 THE CHAIR: Any discussion on the
20 constitutional bylaws issues?

21 (No response)

22 Hearing none. All those in favor of
23 accepting the council recommendation on the
24 constitutional bylaws issues, please say yes.

25 FROM THE FLOOR: Yes.

1 THE CHAIR: All those opposed, please say
2 no.

3 (No response)

4 Motion carries.

5 Now we will entertain Part 2 of
6 Council II.

7 JOHN GURRISI: Thank you, Madam Chair.
8 Part 2 of Council II has recommended no action on two
9 issues, Issue No. II-029 and II-031.

10 THE CHAIR: Are there any extractions the
11 Part 2 issues of Council II?

12 PARLIAMENTARIAN GELFIUS: I'm sorry. As
13 a point of order, I want to make it clear, the report
14 says that these are no action, but they were actually
15 withdrawn by the submitter. So a no action is not
16 actually required at this point. So all we'd be voting
17 on is the acceptance of the council chair's report.

18 THE CHAIR: With that, then I will
19 entertain a motion to accept Part 2 of Council II's
20 report.

21 TRESSA MADDEN (OKLAHOMA): So moved.

22 THE CHAIR: A second?

23 AGGIE HALE (FLORIDA): Second.

24 THE CHAIR: Any discussion?

25 (No response)

1 Hearing none, all those in favor of
2 accepting the report Part 2 of Council II, please say
3 yes.

4 FROM THE FLOOR: Yes.

5 THE CHAIR: All those opposed, no?

6 (No response)

7 Very good. Move on to Council III's
8 report.

9 DAVID LUDWIG: Thank you, Madam Chair.
10 First I'd like to take this opportunity to thank you for
11 serving -- the council for allowing me to serve at the
12 Conference for Food Protection as chairperson of
13 Council III. On behalf of Ken Rosenwinkel, the
14 industry, academia, and regulatory members, and consumer
15 advocate, we are pleased to offer our report for
16 Council III.

17 On Part 1 we have 18 issues that were
18 accepted as submitted or accepted as amended. The
19 report is contained in the yellow issues as
20 recommended.

21 THE CHAIR: Very good. Does anybody wish
22 to extract an issue from Part 1 of Council III?

23 DEBORAH MARLOW (TEXAS): I'd like to
24 extract III-27.

25 THE CHAIR: That's issue No. III-27. Are

1 there any other extractions?

2 (No response)

3 Okay. Hearing none, I will now entertain
4 a motion to accept Part 1 of Council III's report. Do I
5 have a motion?

6 SANDRA CRAIG (S. CAROLINA): So moved.

7 THE CHAIR: Is there a second?

8 CHRIS GORDON (VIRGINIA): Second.

9 THE CHAIR: Any discussion?

10 (No response)

11 Hearing none, all those in favor of
12 accepting -- Part 1 of the report for Part 1 of
13 Council III, please say yes.

14 FROM THE FLOOR: Yes.

15 THE CHAIR: All those opposed, please say
16 no.

17 (No response)

18 I'll move on to the extracted issue. I
19 will now entertain a motion to accept the council
20 recommendation for Issue No. 27 -- III-27. Do I have a
21 motion?

22 JUDY DAY (N.CAROLINA): So moved.

23 THE CHAIR: Is there a second?

24 STEVE MORRIS (KANSAS): Second.

25 THE CHAIR: Any discussion on Issue

1 No. III-27?

2 DEBORAH MARLOW (TEXAS): I did have some
3 concerns with this issue. We have been working now for
4 quite a few years with our operators on becoming
5 accustomed to setting up the hand wash facilities at
6 temporary events, the most places where there aren't
7 readily available water. I feel like this would be a
8 step backwards. I've heard comments that compared --
9 stating that the issue with the chemical towelettes are
10 still in there, but they should have been taken out.

11 So I don't think it's pertinent to add
12 another part to that problem just because there's
13 something that's been left in. I still think the issue
14 is that these hand sanitizer -- hand antiseptics do not
15 replace hand washing. We have a lot of science that
16 supports that. They're excellent as to kind of a step
17 in that, but they do not replace that. And I don't want
18 to reverse what we've been working with our operators.

19 We've got slides, presentations,
20 trainings on what those hand wash facilities should look
21 like when they're set up and they seem to be working
22 fine.

23 THE CHAIR: Is there any other persons
24 that would like to speak to this issue?

25 SCOTT GILLIAM (INDIANA): Madam Chair,

1 Scott Gilliam, Indiana. I'd ask that you recognize
2 Jim Mann.

3 THE CHAIR: Mr. Mann?

4 JAMES MANN: Madam Chair, delegates, I
5 would like to point out one key thing that was very much
6 a discussion point and overwhelmingly approved by the
7 council, and that is we were not talking about using
8 hand sanitizer as a replacement for anything. We're
9 talking about adding a protocol that is going to bring a
10 higher level of cleaning to those very things that the
11 previous speaker spoke of at events such as we've all
12 witnessed here at the hotel. It's important to realize
13 what we've done is add --

14 PARLIAMENTARIAN GELFIUS: Mr. Mann,
15 you're going to have to speak into the microphone for
16 the sake of the stenographer.

17 JAMES MANN: What we've done is add a
18 cleansing step to what is otherwise the sanitizing
19 step. So what we do is put a charge, and then we
20 actually think hand washing. So we're reducing and
21 eliminating the soil. We're raising and releasing. And
22 then while it's still wet after a hand wash of 20
23 seconds, we wipe it on a paper towel. This is the
24 cleansing step. Then go back a second time and we use
25 it as directed on the label. This has been proven at

1 bioscience laboratory to provide long-term reduction.
2 It will bring better hand cleaning and hand cleansing to
3 these very situations that we're talking about if we
4 will approve it.

5 The other advantage is it brings it so
6 close to the worker that the worker will actually use
7 it. So many of the portable hand sinks bring water, but
8 they bring limited amounts of water nowhere close to
9 what the code says should be a two-gallons-a-minute
10 flow. They can't possibly have that much water. So
11 this is something that will very much help. Thank you.

12 THE CHAIR: Ms. Marlow?

13 DEBORAH MARLOW (TEXAS): I'd like the
14 chair to recognize Morris Potter, please.

15 THE CHAIR: Mr. Potter?

16 MORRIS POTTER: Thank you Madam Chair
17 Morris Potter from the Food and Drug Administration.
18 The Food and Drug Administration remains concerned on a
19 number of levels about this issue.

20 First, to make -- to make a claim of
21 efficacy for hand washing or effectiveness against
22 pathogens like noroviruses that are commonly transmitted
23 by hands requires an over-the-counter drug approval and
24 we have no such products. So we can't really -- we
25 don't have a product out there to use as a hand

1 antiseptic under the provisions of the Food and Drug
2 Administration.

3 Two, we haven't seen data from studies
4 done with pathogens of concern to the food service
5 industry over the range of conditions that these
6 products might be used. And so I don't think that we
7 have the science to make the recommendation to the
8 voting delegates to judge whether that science can be
9 successfully applied in the jurisdictions. Thank you.

10 THE CHAIR: Thank you, Mr. Potter. Is
11 there any other pertinent discussion on Issue
12 No. III-27.

13 (No response)

14 Hearing none, I will now entertain a
15 motion -- excuse me -- a vote. All those in favor of
16 accepting the council recommendation on Issue No. 27,
17 please say yes.

18 FROM THE FLOOR: Yes.

19 THE CHAIR: All those opposed, please say
20 no.

21 FROM THE FLOOR: No.

22 THE CHAIR: Motion's defeated. Now we
23 will -- we will listen to Part 2 of the report for
24 Council III.

25 DAVID LUDWIG: Thank you Madam Chair

1 Part 2 of Council III report, we have ten issues --
2 excuse me -- nine issues and one withdrawn in this
3 category for no action.

4 THE CHAIR: Okay. Do I have a motion to
5 accept the -- the report for council -- excuse me. Do I
6 have any extractions for Part 2 of Council III.

7 DAVID READ (MINNESOTA): Extract III-20.

8 THE CHAIR: III-20 has been extracted.
9 Are there any other extractions for Part 2 of
10 Council III's report?

11 (No response)

12 Okay. So I'll now entertain a motion to
13 accept Part 2 of the Council III report. Do I have a
14 motion.

15 RICK AKIN (FLORIDA): So moved.

16 COLLEEN PAULUS (MINNESOTA): Second.

17 THE CHAIR: Is there any discussion on
18 Part 2 of Council III's report?

19 (No response)

20 Hearing none, all those in favor of
21 accepting -- excuse me -- the report for Part 2 of
22 Council III, please say yes.

23 FROM THE FLOOR: Yes.

24 THE CHAIR: All those opposed, say no.

25 (No response)

1 THE CHAIR: Motion carries.

2 I will now entertain a motion to accept
3 the council recommendation for Issue No. III-20. Do I
4 have a motion.

5 ANGELA KOHLS (KANSAS): So moved.

6 JUDY DAY (N.CAROLINA): Second.

7 THE CHAIR: Is there any discussion on
8 Issue No. III-20?

9 DAVID READ (MINNESOTA): Madam Chair,
10 Issue III-20 has to do with temperature requirements for
11 vacuum-packaged fish. That is established in the
12 manufacturing process. It is set at 38 degrees. And
13 the issue here has to do with the food code temperature
14 41 degrees. Will the chairman recognize Shirley Bohm
15 from FDA?

16 THE CHAIR: Ms. Bohm?

17 SHIRLEY BOHM: Madam Chair and state
18 delegates, I'd like to say that FDA is willing to work
19 with the submitters. There is some concern that when
20 the manufacturer of a product recommends that you hold
21 their product at 38 degrees for safety, that that
22 product should be held at 38 degrees for safety and the
23 food code currently does not specifically address a
24 temperature for commercially processed packages to be
25 held at a different temperature other than 41.

1 So there were some valid questions raised
2 in discussion, and we'd be willing to work with the
3 submitter to see if we could fix the food code so that
4 it would address those issues.

5 THE CHAIR: Is there any other discussion
6 regarding Issue No. III-20?

7 (No response)

8 Hearing none, I'll now entertain a vote
9 on the issue. All those in favor of accepting the
10 council recommendation on Issue III-20, please say yes.

11 (No response)

12 Okay. All those opposed, please say no.

13 FROM THE FLOOR: No.

14 THE CHAIR: Motion is defeated.

15 I believe that's all I have on council
16 reports. Y'all did an excellent job. I appreciate all
17 the work that you've done.

18 Next item on the agenda will be the
19 presentation of the resolutions by our Resolutions
20 Chair, Mr. Ben Gale.

21 BEN GALE: Good morning members of the
22 assembly and, thank you, Madam Chair, for the
23 introduction. The resolutions committee consists of
24 four individuals. I would like to acknowledge their
25 participation and their professionalism in assisting

1 me. First is Lisa Whitlock, FDA; David Gifford,
2 Department of Health, State of Washington; and Steven
3 Grover, Burger King Brands. The attempt was to try to
4 balance the committee such that we had some
5 representation at the local, state, industry, and
6 federal.

7 It was a pleasure working with each of
8 them. A special thanks to David for his keen eye on the
9 resolutions. Where he ever developed that skill to
10 understand where the commas go or what gets capitalized
11 and what doesn't, I have no idea, but it must be lonely
12 up there in Washington. He does have a keen eye,
13 though, for detail. And for that I acknowledge and say
14 thank you, David.

15 Also as a footnote, he's the incoming
16 chair, I believe, of the conference and a little sucking
17 up on my part probably wouldn't hurt there either.
18 Thank you, David.

19 As a result, the committee put together
20 at your request, individually and as a result of the
21 committee's work, eight resolutions. And I need to
22 survey -- I don't see Linda and Trevor, so we'll skip
23 down to the next paragraph. The first one I will give
24 to you is the resolution for the local arrangements
25 committee.

1 And, you know, for the most part these
2 folks are transparent. They're almost seamless in that
3 the work that they do is only brought to our attention
4 when there's a blip on the radar screen, quite frankly.
5 The rest of it, it just moves. And they certainly were
6 the backbone for the success of this particular
7 conference.

8 I know, as I take the chair's
9 prerogative, I had one individual that I work with. I'm
10 not going to embarrass her by asking her to stand up,
11 but I do want to acknowledge Amanda Wilson, San Antonio
12 Metro Health District for putting up with my dry humor,
13 my sick sense of humor, and my constant demands to get
14 things done yesterday. So thank you, Amanda. I
15 appreciate that.

16 The next one is for the sponsors. And,
17 clearly, without the sponsors you would not have
18 incurred the dollar amounts raised and brought to this
19 conference. It wouldn't happen without them. We have
20 the four levels, titanium, gold, silver, and bronze.
21 And because of their contribution, I think it is
22 appropriate that we read and acknowledge each of the
23 individual sponsors.

24 At the titanium level, we have Ahold USA;
25 Brinker International; ChemStar Corporation; Darden

1 Restaurants, Incorporated; Ecolab, Inc.; Johnson
2 Diversey; National Registry of Food Safety
3 Professionals; National Restaurant Association; National
4 Restaurant Association Solutions; National Sanitation
5 Foundation International; Sodexho; SuperValu; Wal-Mart;
6 Yum! Brands, Inc.

7 At the gold level, Applebee's and IHOP;
8 Burger King Corporation; CKE Restaurants; Food Marketing
9 Institute; Harris Teeter, HEB Company; The Kroger
10 Company; Publix Super Markets; Steton, Underwriters
11 Laboratories.

12 At the silver level, Arby's Restaurant
13 Group; Associated Grocers; Central Texas Environmental
14 Health Association; Food Handler, Inc.; Garrison
15 Enterprises, Inc.; Hannaford Supermarkets; Hill Country
16 Bakery; International Association for Food Protection;
17 Papa Murphy's International; Pappas Restaurants;
18 San Antonio Metro Health District; Sterilox Food Safety;
19 SweetBay Supermarket; The Coca-Cola Company; Wegman's
20 Food Markets.

21 At the bronze level, Big Y Foods, Inc.;
22 Grocery Manufacturers Associations; Jack in the Box,
23 Inc.; National Automatic Merchandising Association;
24 San Antonio Restaurant Association; Texas Association
25 for Food Protection; and the Texas Restaurant

1 Association.

2 So thank you very much to the sponsors.

3 The next resolution is for Elizabeth
4 Nutt, our outgoing chair. For this one I think everyone
5 really, really appreciates her dry sense of humor, her
6 wit, and her comedy. And I think everyone of us can
7 probably take away at least one little thing from this
8 conference that she raised and brought to our attention.
9 She gives you the best material, doesn't she?

10 Fantastic. So, anyway, acknowledging all of the hard
11 work that Elizabeth put into this conference, and I'm
12 sure the work that none of us had a chance to see
13 understood and appreciate.

14 The next one is -- the next one is for
15 Larry Kohl, acknowledging his vice chair for the
16 conference, his energy, and unselfish commitment to the
17 conference.

18 The next one is for an individual who has
19 put in an extraordinary amount of time and energy.
20 That's Larry Eils. If you've ever had a chance to meet
21 him, albeit this is your first conference or you've been
22 attending since he, since 1986, and it's 22 years of
23 dedicated service. Larry is what I describe as the
24 consummate gentleman. I've never heard a bad word come
25 out of that man's mouth. I don't know that I've really

1 seen him raise his temper.

2 I've seen him get passionate, and I had
3 the privilege of working with him on the constitutional
4 bylaws committee. And I'll tell you, his leadership and
5 direction was invaluable. To me it was subtle; but yet
6 at the same time, you know, he moved that committee and
7 helped us come to conclusions. So we'll be honoring and
8 acknowledging Larry for all of his service to the
9 conference.

10 The next one is one of that was submitted
11 by one of the members, and it's to acknowledge and honor
12 Dr. Cynthia Woodley, John Marcello, and Dr. David
13 McSwane. The contribution that they have made is
14 towards the adult education obviously, the psychometric
15 evaluation, and the governmental requirements that
16 develop the standards for training to promote,
17 basically, the food service industry and protect the
18 American food supply.

19 The last item before we go back to a
20 couple of more first of all is a resolution that was
21 brought to us recognizing the training -- excuse me --
22 the minimum education standards for the food safety
23 inspection officer. So that's what will be presented to
24 the delegates for approval. Now, the note that I
25 received was that I would like to ask the local

1 arrangements committee members that are in the audience
2 to please stand and I ask the conference, the assembly,
3 and the members to give a round of applause.

4 (Applause)

5 BEN GALE: Very well done. And what you
6 saw standing, I can give you some assurance, that was a
7 small representation, having printed cranked out, with
8 Amanda's help, I think it was about 40 copies of the
9 resolution. And I think that's even understating the
10 resources behind this conference. It was far in excess
11 of 40 individuals. So, again, thank you all for an
12 excellent job. You contributed, obviously, to the
13 success of the conference.

14 I see that Linda and Trevor have brought
15 forward some individuals in the Omni. And let me get
16 back my piece of paper and the notes that I have. We
17 have a resolution to say thanks and appreciation for
18 Mr. Cesar Cantor, who is the general manager. Would you
19 raise your hand and let me know that you're there,
20 Cesar. Mr. Cantor? No? Okay.

21 Also for Mr. Bob Guerra, convention
22 service manager.

23 (Applause)

24 Chef Javier Soto, Executive chef.

25 And next is Alberto Vasquez, director of

1 presentation services. And the remainder of the support
2 staff that have also made contributions. So now I would
3 ask the conference and delegates to please stand and
4 give a round of applause to them.

5 (Applause)

6 BEN GALE: I think one of the highest
7 compliments is what -- my wife flew in last night, and I
8 will say to the staff of Omni, one, we've been looking
9 forward to coming back to here since we were here last
10 year. And part of that reason was because of the staff
11 that was here. The names that stick out for my wife and
12 I are C.J. in the restaurant and the concierge.

13 There's others, too, but my wife --
14 again, I just want to underscore the impression that you
15 made on people who attended here or stayed at your
16 facility. She came back and she had names fingertip
17 handy and ready because she wanted to see those people
18 again because of the excellent service that they
19 provided a year ago to us. So, again, a personal thanks
20 to you. Excellent, excellent job. Thank you.

21 (Applause)

22 THE CHAIR: Now I will now entertain a
23 motion to accept the resolutions as presented by
24 Mr. Ben Gale. Can I have a motion?

25 RIC MATHIS (FLORIDA): I move that we

1 accept the resolutions presented.

2 THE CHAIR: Second?

3 SCOTT GILLIAM (INDIANA): Second.

4 THE CHAIR: Any discussions on the
5 resolutions?

6 (No response)

7 Hearing none, all those in favor of
8 accepting the resolutions, please say yes.

9 FROM THE FLOOR: Yes.

10 THE CHAIR: Those opposed say no.

11 (No response)

12 Motion carries. I'll now turn the
13 microphone to our executive director, Mr. Jeff
14 Lineberry, who has some announcements.

15 JEFF LINEBERRY: Madam Chair, it's my
16 honor and privilege to add to the resolution just
17 endorsed by the delegates expressing appreciation to you
18 for your leadership for the past two years. Under your
19 leadership, membership in the organization grew to more
20 than 700 people, the highest we've ever had. Your
21 spirit of inclusion and promoting food safety through
22 collaboration embodies the spirit of the conference. We
23 have energetic participation in people who serve and
24 promote food safety, and I think in large part because
25 oh your great leadership.

1 It is my personal privilege to present on
2 behalf of the conference a clock inscribed to
3 Elizabeth Nutt. It could say Elizabeth, "A Nut;"
4 however, it does not. Ben Sowards asked me to say hi,
5 by the way.

6 Presented to Elizabeth Nutt, conference
7 Food Protection Chair, 2006 to 2008, for her skillful
8 and balanced leadership, diligent investment of time and
9 dedication to the promotion of food safety through
10 collaboration.

11 (Applause)

12 THE CHAIR: I will not bore you with
13 another joke. I'm done with that part. I do want to
14 say it has been an absolute honor to serve in this
15 position. To be a part of this organization, it's just
16 hard to explain. I did have the privilege to bring a
17 lot of my staff and, again, bring in some new membership
18 to this organization and keep it going. And they've
19 just been in awe at the cooperation, the smoothness of
20 the conference, the behind-the-scenes things that go on
21 that make this conference so wonderful.

22 It's just been such a rewarding part of
23 my career, and I do want to thank Mr. Jeff Lineberry for
24 supporting me. He's been wonderful to work with, and he
25 has done an excellent job in assuming the role of

1 executive director. I would like to thank Trevor and
2 Linda for their continued support and guidance and the
3 members of the board; the LAC, who has been outstanding;
4 the hotel, wonderful. It's just been a wonderful
5 experience for me, and I thank you very much for giving
6 me this opportunity to serve you and put up with my
7 corny jokes.

8 At this time I would like to announce the
9 new chair formally and thank again the nominating
10 committee and tremendous amount of work that they've put
11 in nominating these people and researching this. They
12 did an excellent job. I was happy to serve on that
13 committee. And for the 2010 Conference for Food
14 Protection, which will be in Providence, Rhode Island,
15 the new conference chair is Mr. David Gifford, State of
16 Washington.

17 (Applause)

18 Our new conference vice chair is Mr. John
19 Gurrisi.

20 (Applause)

21 Just one more reminder that there are the
22 committee books that I would encourage those to sign up
23 on the committees because, as you've seen in the
24 councils, a tremendous amount of effort and progress
25 towards food safety is done in these invaluable

1 committees. I encourage you to sign up on those
2 committees. And with that, I would make a motion to
3 adjourn -- entertain a motion to adjourn.

4 RONALD KLEIN (ALASKA): So moved.

5 THE CHAIR: Second?

6 TRESSA MADDEN (OKLAHOMA): Second.

7 THE CHAIR: Does anybody want to talk
8 about it?

9 (No response)

10 Thank you all very much. Meeting
11 adjourned.

12 (Proceedings concluded at 9:49 a.m.)

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COURT REPORTER CERTIFICATE

COUNTY OF BEXAR

STATE OF TEXAS

I, ARLINDA RODRIGUEZ, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that this transcript is as true and correct a record as possible, transcribed by me through computer-aided transcription.

And further certify that I am not a relative or employee or attorney of counsel of any of the parties; nor a relative or employee of such attorney or counsel for any of the parties hereto, nor interested directly or indirectly in the outcome of this action.

In witness whereof, I do hereunto set my hand on this 25th day of April 2008.

Arlinda Rodriguez, Texas CSR 7753
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