In The Matter Of:

Conference for Food Protection

Annual Meeting

April 18, 2012
CONFERENCE FOR FOOD PROTECTION

April 18, 2012
8:34 a.m.

AT THE
Hyatt Regency Hotel
One South Capitol Avenue
Indianapolis, IN 46204

TAKEN BEFORE NANCY M. KOTTENSTETTE, RPR, NOTARY PUBLIC
IN AND FOR THE COUNTY OF MARION,
STATE OF INDIANA

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Executive Board:

Sheri Morris                  Conference Chair
Jeffrey Lineberry            Executive Director
Alan Tart                    Parliamentarian
Deborah Marlow               Council I Chair
Chirag Bhatt                 Council II Chair
Richard Linton               Council III Chair
MS. MORRIS: I would like to call to order the general assembly of the 2012 Conference for Food Protection by annual meeting. Just by way of introductions, I'll let you know who's on the stage here. I have Alan Tart who is the lead parliamentarian for today's meeting. We have Jeff Lineberry who is the executive director. We have Deborah Marlow who is our Council I chair. We have Chirag Bhatt who is our Council II chair. We have Rich Linton who is our Council III chair.

Also in the audience we'll hear a little bit later from Michael Roberson who was the vice chair of the conference this year. We have Eric Pippert somewhere who is our executive treasurer, and we have Janet Williams who's also a parliamentarian assisting with the meeting.

First, I just want to offer a few words of appreciation. This isn't a typical conference as many people think of conferences. Although we're here to learn and network, this is, essentially, a working conference. And I'd like to thank all of the state delegates for making an effort to be here. The councils and leaderships certainly worked diligently the last four days in debating issues and arriving at consensus-based
recommendations for the assembly, and they should be commended.

Much work by necessity is established between the conference meetings through committees and their leadership. By show of hands, who today here participated in committee work the past two years?

That's great. Because -- I mean, that's a great job, because active involvement is what makes this organization a success. I encourage all of you to be actively engaged in the process. The conference is only successful because of the committed individuals that are here. You can't just be a spectator and make this conference work.

A conference is a lot of work to put together every two years. There's a lot of work that happens behind the scenes, and it only happens with dedicated individuals. The conference has a great executive staff with Jeff Lineberry as our executive director, Lisa Wright as our executive assistant, and, unfortunately, she's not here. She did go home ill. And we have Eric Pippert, the executive treasurer.

They put in a tremendous amount of time in organizing, preparing, and working with the local arrangements committee, working with the hotel
staff to make sure that everything ran smoothly this week. And I'd just like to publicly recognize my appreciation for their assistance over the last two years with the conference.

I think we all agree this has been a great hotel and a great location. The accommodations have been great. The food and hospitality has been great, and the local arrangements committee has been a big part of that. I know later on we will publicly recognize them as well. But as you leave today, please make an effort to thank all those volunteers that participated in the local arrangements committee to make this conference as good as it was.

At this time, I'm going to turn the podium over to our lead parliamentarian -- I'm sorry. The podium over to Jeff to conduct the roll call for the assembly of states.

MR. LINEBERRY:  Good morning, everyone.

ATTENDEES:  Good morning.

MR. LINEBERRY:  I will begin with the roll call of states. As I read out the name of your state, I'd like you to respond by indicating the share of the vote you have. If you have a full vote, so state. If you have less than a full vote,
please indicate the share of the vote you have. For instance, one-half. We will accept your statement as to the amount of the vote you have.

Alabama.

DELEGATE: Full vote.

MR. LINEBERRY: Alaska.

DELEGATE: Full vote.

MR. LINEBERRY: Arizona.

DELEGATE: Full vote.

MR. LINEBERRY: Arkansas.

DELEGATE: Full vote.

MR. LINEBERRY: Connecticut.

DELEGATE: Full vote.

MR. LINEBERRY: Delaware.

DELEGATE: Full vote.

MR. LINEBERRY: Florida.

DELEGATE: Full vote.

MR. LINEBERRY: Georgia.

DELEGATE: Half vote.

MR. LINEBERRY: Hawaii.

DELEGATE: Full vote.

MR. LINEBERRY: Idaho.

DELEGATE: Full vote.
MR. LINEBERRY: Illinois.
DELEGATE: Full vote.
MR. LINEBERRY: Indiana.
DELEGATE: Full vote.
MR. LINEBERRY: Iowa.
DELEGATE: Full vote.
MR. LINEBERRY: Kansas.
DELEGATE: Full vote.
MR. LINEBERRY: Kentucky.
DELEGATE: Full vote.
MR. LINEBERRY: Maine.
DELEGATE: Full vote.
MR. LINEBERRY: Maryland.
DELEGATE: Full vote.
MR. LINEBERRY: Massachusetts.
DELEGATE: Full vote.
MR. LINEBERRY: Michigan.
DELEGATE: Full vote.
MR. LINEBERRY: Minnesota.
DELEGATE: Health, half vote.
DELEGATE: Agriculture, half vote.
MR. LINEBERRY: Mississippi.
DELEGATE: Full vote.
MR. LINEBERRY: Missouri.
DELEGATE: Full vote.
MR. LINEBERRY: Nebraska.

DELEGATE: Agriculture, half vote.

DELEGATE: Health, half vote.

MR. LINEBERRY: New Jersey.

DELEGATE: Full vote.

MR. LINEBERRY: Nevada.

DELEGATE: Full vote.

MR. LINEBERRY: New Mexico.

DELEGATE: Full vote.

MR. LINEBERRY: New York.

DELEGATE: Full vote.

MR. LINEBERRY: North Carolina.

DELEGATE: Full vote.

MR. LINEBERRY: North Dakota.

DELEGATE: Full vote.

MR. LINEBERRY: Ohio.

DELEGATE: Agriculture, half vote.

DELEGATE: Health, half vote.

MR. LINEBERRY: Oklahoma.

DELEGATE: Full vote.

MR. LINEBERRY: Oregon.

DELEGATE: Full vote.

MR. LINEBERRY: Pennsylvania.

DELEGATE: Full vote.

MR. LINEBERRY: Puerto Rico.
DELEGATE: Half vote.

MR. LINEBERRY: Rhode Island.

DELEGATE: Full vote.

MR. LINEBERRY: South Carolina.

DELEGATE: Full vote.

MR. LINEBERRY: South Dakota.

DELEGATE: Full vote.

MR. LINEBERRY: Tennessee.

DELEGATE: Full vote.

MR. LINEBERRY: Texas.

DELEGATE: Full vote.

MR. LINEBERRY: Utah.

DELEGATE: Agriculture, half vote.

DELEGATE: Health, half vote.

MR. LINEBERRY: Vermont.

DELEGATE: Full vote.

MR. LINEBERRY: Virginia.

DELEGATE: Health, half vote.

DELEGATE: Agriculture, half vote.

MR. LINEBERRY: Washington.

DELEGATE: Full vote.

MR. LINEBERRY: West Virginia.

DELEGATE: Full vote.

MR. LINEBERRY: Wisconsin.

DELEGATE: Agriculture, half vote.
DELEGATE: Health, half vote.

MR. LINEBERRY: Wyoming.

DELEGATE: Full vote.

MR. LINEBERRY: Mr. Parliamentarian, there should be 53 delegates representing 46 states and one territory.

While they continue to calculate what constitutes a majority and two-thirds majority, I will prepare the rest of my report -- present the rest of my report. Excuse me.

Caucus elections to fill positions on the executive board this year resulted in -- executive board this year resulted in the following members being named to the board: For State Regulatory, Northeast, John Luker, New York Department of Agriculture and Market. His term expires in 2018. For the Southwest, Dean Finkenbinder at Wyoming Department of Agriculture. His term expires in 2018. Local Regulatory, Midwest, Kelli Whiting with the Marion County Health Department, Indiana. Her term expires in 2018. For the Southeast, Bill Hardister, Mecklenburg County Health Department. His term expires in 2018. For industry, representing food service, Ms. Becky Stevens-Grobbelaar. Her term expires in 2018. For
the vending industry, Larry Eils. His term expires in 2016.

In addition, your executive board has affirmed appointment of the following members for the position of council vice chair: For Council I, Chris Gordon; for Council II, Susan Quam; for Council III, Todd Rossow, Publix Super Markets.

I also want to advise you that our 2014 conference meeting will be held May 2 to the 7th, 2014, at the Buena Vista Palace Hotel in Lake Buena Vista, Florida. Please mark those dates on your calendar and plan to attend. The dates are also posted on the conference Web site located at www.foodprotect.org. I think everyone got an invitation from the LAC to visit in 2014 already.

I'm going to read the following statement as required by the constitution and bylaws: A quorum must be present. A quorum is defined as the presence of registered voting delegates from at least two-thirds of the states with the designated official delegate in attendance at the conference meeting. Each territory and the District of Columbia shall count as one-half state constituting a quorum. A two-thirds majority is required to change procedure adopted at a previous conference
or to make changes in the constitution and bylaws. Other actions require a simple majority unless specifically covered by conference rules of order.

The voting choices are as follows: Yes, no, and abstained. A council recommendation cannot be changed. Votes are cast by a show of hands by the voting delegates. Roll call votes are taken only if requested by a delegate.

Thank you, Madam Chair.

MS. MORRIS: Thank you, Jeff. At this time we'd like to -- I'd like to recognize Eric Pippert for the executive treasurer's report.

MR. PIPPERT: Good morning, friends and colleagues. The attendance at this year's conference was 359. Our workshop, which was Saturday, covered the topic of norovirus set a record for attendance with 241 people taking advantage of that.

I'd like you to join me in recognizing a few entities and organizations that are very instrumental in making this conference a success. First is the Food and Drug Administration whose sponsorship of CFP through a $25,000 small conference grant makes it possible -- made it possible this year for 45 state and local
regulatory attendees to attend with a travel subsidy.

Second, I'd like to call your attention to 38 national sponsors, industry sponsors, who contributed $116,000 to make this conference a success.

And, lastly, as our chairperson mentioned, our local arrangement committee and our local sponsors who contributed over $20,000 in cash or in-kind contributions to ensure our comfort and enjoyment while we were here. As Sheri already mentioned, please take an opportunity to thank these people.

Now our overall financial picture is in good shape. The CFP 2011 ending cash balance was $179,000. The 2012 projected ending balance is $190,000. We have specific information available on our Web. We have our financial reports, and we have past and present budget information there. So if you have interest or further questions or want to review, you can take a look at it there, as was already said, at foodprotect.org. With that, I'll conclude my remarks and wish you safe travels.

MS. MORRIS: Thank you, Eric.

A few housekeeping items at this time before we begin the actual voting process. If everyone in
the audience and the delegates would please make sure your phones are turned off or put on vibrate at this time. We ask that all the delegates remain in the room during the voting process. And delegates, when you speak, please go to the microphone and state your name and your affiliation.

If there is a voting delegate that wishes to recognize another speaker from the audience, the speaker from the audience must first have that voting delegate yield the floor and be recognized by the chair. They must also state their name and their affiliation before speaking.

Traditionally, in order to keep the proceedings moving forward in a timely fashion, we like to limit the amount of debate on extracted issues. And I would like to limit the time dedicated to discussing issues and would, therefore, entertain a motion to do so.

MR. JULIAN: Ernest Julian, Rhode Island. I move that we limit debate on each issue to ten minutes and each speaker to two minutes.

MS. MORRIS: Do I have a second?

MR. MORIS: Steve Moris from the Kansas Department of Agriculture. I will second.
MS. MORRIS: So we have a motion to limit debate to a total of ten minutes and two minutes per speaker and a second. Further discussion?

Hearing none, all those in favor, please say yes.

ATTENDEES: Yes.

MS. MORRIS: Any opposed?

Motion carries. We will limit debate to ten minutes per issue and two minutes per speaker. At this time I'll recognize our lead parliamentarian, Alan Tart.

MR. TART: Thank you, Madam Chair. Good morning, everyone.

ATTENDEES: Good morning.

MR. TART: My name is Alan Tart. I am the lead parliamentarian for this year's Conference for Food Protection. Allen Gelfius sends his regrets, but I would declare that I have had some fun this CFP. And I think the other parliamentarians have too.

I know that for those of you yesterday in our orientation for the delegates -- I know that there are a lot of new delegates this year. That's great to see fresh blood out there. I believe that you can probably declare as well that you've learned a
lot this CFP, and thank you for being here.

Madam Chair, we do have a quorum. There are 46 states represented today and one territory for a total possible vote of 45.5. If you take 45.5, the full majority vote would be 23, and the two-thirds vote, which would be required for bylaws changes, would be 30. These numbers have been checked by my parliamentarian to my left, Janet Williams. Thank you.

So the way this will work is each council chair will present their council's recommendations one by one. Each report that they have will have two parts except for Council II, which will have three parts. I will go over what each of these parts will mean.

Part I of the Council's report will be the affirmative recommendations that came for that council. These would be the votes -- or the recommendations that the outcome was accept as submitted or accept as amended.

Part II of the report will be the negative recommendations. These will be the outcomes of the council's deliberations that ended in no actions.

In Council II there will be a third part to their report. Part III of Council II's report will
contain all of the recommendations, whether
affirmative or negative recommendations, for the
bylaws changes. We have broken out those bylaws
changes into a Part III of the Council II's report
because that requires a two-thirds vote.

Everything else that you're going to vote for this
morning requires a majority vote.

The way it will work is that once the council
chairman or the council chair comes up and gives
their report we will vote by each part. As I
explained yesterday in the orientation, when the
council chair comes up, they will explain how many
issues they had, whether they had an affirmative
vote -- again, those would be the ones that have
accept as submitted or accept as amended. And then
they will sit down.

The chair of the CFP will come up, and she
will then begin the voting process. She will start
by saying, Are there any issues that need to be
extracted? As we explained yesterday, to extract
an issue, you come to the microphone. You state
your name, you state your affiliation, and you just
simply say, Madam Chair, I would like to extract
issue...and you need to state the issue number.
And then you need to return to your seat.
We will extract all of those issues, and those extracted issues will be deliberated one by one in order that they appear in the order of the numbers. We will -- all of the other issues that are not extracted, we will vote on them as a block.

The Madam Chair will ask for a motion, and the motion will be to accept the council's recommendations for all of the issues that were not extracted. There will be a second, and then you will vote on those issues. A vote of yes means that you agree with the council's recommendations. A vote of no means you do not agree with the council's recommendations.

Now, as I said yesterday, I can't tell you how to vote, but, typically, if you don't agree with the council's recommendations for any particular issue, you will have already decided that you are going to extract those. Because, again, you're voting it as a block. So if you vote no for that first vote that you do means you don't agree with any of the council's recommendations whatsoever. And they did a lot of work, guys.

So then what we will do is after you vote on those by block, we will consider the extracted issues one by one. The chair will call for a
motion. The motion will have to be, Madam Chair, I move to accept the council's recommendation on that particular issues that is being extracted. That must be seconded. The reason we do that is because we have to get to a discussion mode. At that point you can discuss the issue.

You have to line up one by one at the microphone, and you need to state your name, affiliation, and you can then speak to the issue, speak to the extracted issue. Again, like I said yesterday, your discussion, the information that you speak into the microphone, has to be pertinent to not accepting or accepting the council's recommendation on that issue.

It will be out of order for you to start speaking to merits of the issue itself. We will make sure that you stay in order in that regard. You voted previously to limit discussion to any particular issue ten minutes total or two minutes per speaker. I will be keeping track of time on that.

You may also call on someone from the audience to speak. You would need to ask the chairwoman to recognize a particular person and their affiliation. That person needs to also come to the
microphone and state their name and affiliation, and they can state their comments into the record.

Part II of the report, as I said before, will be the no actions. Those would be the negative recommendations that came from the council. Same thing goes here. You will have an opportunity to extract those issues that you would like to discuss. And as I said yesterday, if you vote yes for an extracted issue that you choose to extract and discuss, that means that you agree with the council's recommendations. If you vote no, that means you do not agree with the council's recommendations.

Those issues further no action that are voted no by you guys will be sent back to the executive board for further deliberation. If you vote no on the Part I issues, the affirmative issues, that means that issue dies.

All right. So with that said, are there any questions from any of the delegates on how we need to proceed moving forward?

I want to make one correction on the total number of points. We have 46 total number of points. Thirty-one would constitute two-thirds, and twenty-three could constitute the majority. I
apologize for that.

So we'll begin by recognizing Council I Chair.

MS. MARLOW: Good morning. I'd like to start off by saying it's really been an honor and privilege to serve as chair for Council I. I've really enjoyed the experience and could not have done this job without the dedication and commitment of my vice chair Brenda Bacon and the hard work of Council I. We were tasked with deliberating 43 issues. One of our issues we moved to Council III, and we received one back and deliberated one of the issues from Council III.

We had -- there were five committees that were created and assigned to Council I. We talked a lot about committee work. Please bear that in mind, and I hope you will work with the new coming Council I chair to get the work done at these committees. Two of the committees were recreated committees, the Plan Review Committee and the Wild Harvested Mushroom Committee. And there was five new committees that Council I will be working with.

One of those is called the HACCP-Based Guidance for Meat and Poultry Processing at Retail, the Beef Grinding Log Template for Retail Establishes, and the Cottage Industry/Direct
Producer to Consumer Sales Committee.

As we talked before, the committee work was very critical to the council and the CFP, so I hope that you would consider working on those committees.

The first part of my report is as follows: In summary, there were 8 issues accepted as submitted and 19 issues accepted as amended with a total of 27 affirmative issues came out of Council I. And those are listed in your Council I submissions.

MS. MORRIS: Thank you, Deborah. At this time would anyone like to extract any issues from Council I's Part I report?

MR. GUZZLE: Patrick Guzzle, Idaho Department of Health and Welfare. I'd like to extract the Issue I-005.

MS. MORRIS: Thank you.

MR. REED: I'm Dave Reed with the Minnesota Department of Agriculture. I'd like to extract Issue I-043.

MS. MORRIS: Mr. Reed, would you please restate that, which number?

MR. REED: I-043.

MS. MORRIS: Thank you. Are there any other issues to be extracted in Part I of Council I's
Seeing none, I will entertain a motion to accept Part I of Council I's report minus the extracted issues.

MR. HUFFMAN: Troy Huffman with the Nebraska Department of Health. I motion we accept the issues as submitted.

MS. MORRIS: Thank you. May I hear a second?

MR. TART: Restate your motion and say accept the Council's recommendations for Part I of the report.

MR. HUFFMAN: Troy Huffman, Nebraska Department of Health. I motion to accept the recommendations from Council I part of the report, Part I.

MS. MORRIS: Thank you. We have a motion at this point in time to accept the Council recommendations in Part I of their report. Do I have a second?

MR. MORIS: Steve Moris, Kansas Department of Agriculture. I second.

MS. MORRIS: This is going to be an interesting morning. So I have a motion and a second to accept the Council I recommendations in Part I of the report minus the extracted issues.
Any discussion?

Hearing none, all those in favor, please say yes.

ATTENDEES: Yes.

MS. MORRIS: Any opposed, no.

The motion carries.

At this time we'll bring forth -- do we need a motion to bring -- I'll entertain a motion to bring forth extracted Issue 1-005.

MR. GUZZLE: Madam Chair, Patrick Guzzle, Idaho Department of Health. I move to bring forth Issue 1-005.

MS. MORRIS: And accept the Council recommendations?

MR. GUZZLE: And accept the Council recommendations for purposes of discussion.

MS. MORRIS: Do we have a second?

MR. HUFFMAN: Troy Huffman, Nebraska Department of Health. I second them.

MS. MORRIS: We have a motion and a second to accept the Council recommendation for Issue 1-005.

Any discussion?

MR. GUZZLE: Madam Chair, Patrick Guzzle, Idaho Department of Health and Welfare. This issue would amend the food code so that persons with sore
throat and fever can return to work after being
free of symptoms for 24 hours.

I know we discussed this a little bit in our
caucus meeting. I'm not fully qualified to address
the epidemiological concerns that this issue
presents. I would like to recognize and yield the
floor to Dr. Sharp from the Centers for Disease
Control and Prevention.

MS. MORRIS: The chair recognizes Dr. Sharp.

DR. SHARP: Thank you very much. I appreciate
the opportunity to speak on this. CDC strongly
supports the current language in the food code.
I'd like to explain that a little bit.

Group A strep pharyngitis does cause
outbreaks. In a Clinical Infectious Diseases
review article, 2003, a fairly recent -- some
recent, some not so recent, some back in the '40s,
of outbreaks from Group A strep, some occurring in
the '80s and the '90s. So it does cause outbreaks.
Some of these are very large.

The problem is, as far as surveillance is,
there's no system. We gather data from the states.
Most people when they go in and get pharyngitis --
when they have pharyngitis and go into the clinic,
people do not do a five-day food history for
pharyngitis.

MS. MORRIS: Dr. Sharp, could you please speak louder.

MR. TART: And straight into the mic.

DR. SHARP: Straight into the mic. Flesh against the mic.

So do I need to start over?

MS. MORRIS: No.

DR. SHARP: Do I get two more minutes? So these outbreaks do occur, and they can be quite severe. And the sequelae from pharyngitis can be severe. You can get glomerulonephritis, kidney disease, and, of course, you can get rheumatic fever. So that's a sequelae.

The only way to know whether you have simple viral pharyngitis or bacterial pharyngitis is to go to a health care provider and get tested, and the health care provider can -- they can do -- three things can happen. They can look in the throat, and if there are no lymph nodes, there's no fever, there's no erythema, no redness, the person doesn't look sick at all, based on their good clinical judgment, they can say you don't even need to be tested. It's viral. Go back to work. You're fine.
Or they can say this might be strep. Let's test. The test could be positive, and they get antibiotics. They can go back to work after 24 hours. They get tested and it's negative, it's presumed viral. They can go back to work.

MS. MORRIS: Dr. Sharp, your two minutes is up.

DR. SHARP: So it's very important to continue this process. We will miss it. People will get sick, and then they can spread to other people. Thank you.

MS. MORRIS: Other discussion on this issue? Hearing none, we will move to vote on this Issue 1-005 to accept the Council's recommendation. All those in favor of accepting the Council's recommendation, please say yes.

ATTENDEES: Yes.

MS. MORRIS: Those opposed, please say no.

ATTENDEES: No.

MS. MORRIS: I guess we need a hand vote. All those in favor of accepting the Council's recommendation, please raise your hands. Thank you.

All those opposed, please raise your hands.

The motion fails. In essence, that means the
committee recommendation will not move forward.

I'll entertain a motion to accept the Council's report on Issue 1-043.

MR. REED: My name is Dave Reed. I'm with the Minnesota Department of Agriculture. I make the motion to accept the recommendations of the Council I, Part I, Issue 1-043.

MS. MORRIS: Thank you. I need a second.

MR. HUFFMAN: Troy Huffman, Nebraska Department of Health. Second.

MS. MORRIS: There's a motion and a second to accept the Council recommendation for Issue 1-043. Any discussion?

MR. REED: Dave Reed. Madam Chair, the issue that is proposed here is to create a committee to view and review cottage food industry. AFDO -- I'm on the AFDO board of directors -- has spent a great deal of time through the committee to develop these guidelines, and we don't think a committee is necessary at this time.

And I would like to yield the floor to Courtney Rheinhart from the Virginia Department of Agriculture.

MS. MORRIS: The chair recognizes Courtney.

MS. RHEINHART: Courtney Rheinhart, Virginia
Department of Agriculture and Consumer Services.

Thank you for your consideration of this matter.

I'm a fellow with the International Food Protection Training Institute, and my research project concerned regulatory harmonization of cottage foods.

I communicated with state program managers regarding their regulations of cottage foods. Furthermore, I evaluated many of the state's cottage foods requirement. I'm also from a state with a very robust cottage industry that has a lot of influence over our legislature.

The extracted issue involves the formation of a cottage food committee. AFDO has already developed regulatory guidance for best practices of cottage foods, which contains, in part, a number of already existing state requirements. This guidance document already speaks to the charges that this committee would address.

AFDO's food committee consisting of state and local regulatory authorities, FDA, FSIS, and industry representatives, spent this past year developing the guidance document. And it has recently been approved by AFDO's executive board.

This document is going to print on Friday, and
AFDO will be presenting the document at CASA, AFDO, and the FDA Southwest and Northeast Food Protection meetings. Many state and local regulatory agencies have already brought this document to their state legislators and are utilizing it at present.

AFDO welcomes members of CFP to work with them to implement and, if necessary, update the guidance. With so many other important food safety issues being brought to light during this conference, our time and resources would be better spent on those issues rather than duplicating efforts. A lot of committees have already been formed during this conference and forming another one is not necessary at this time. Thank you.

MR. MORIS: Steve Moris with the Kansas Department of Agriculture. Madam Chair, I'd like to recognize Mark Speltz from the great state of Iowa.

MS. MORRIS: The chair recognizes Mark.

MR. SPELTZ: Thank you. Mark Speltz with the State of Iowa to comment on this issue. I feel it wasn't the original charge of the issue to the council to recreate an already-formed document. The charge was to work with AFDO using that document and recognizing the work that they had
done and also to incorporate that into the food code so the food code actually recognizes cottage industry, which it does not as of yet.

Also the committee could look for science-based issues or science-based reasoning behind that and incorporating them into the food code, which would add to the document. We don't necessarily see an AFDO guidance document and the food code as an equivalency in Iowa. Not to take anything away from the AFDO guidance, we view them as different. Thank you.

MS. MORRIS: Other discussion?

Hearing none, we'll take a vote on the motion to approve Council's recommendation regarding Issue 1-043. All those in favor, please say yes.

ATTENDEES: Yes.

MS. MORRIS: Those opposed, please say no.

ATTENDEES: No.

MS. MORRIS: I guess we need a hand vote. All those -- the Chair recognizes Dave.

MR. GIFFORD: Dave Gifford, Washington State Department of Health. Because we have so many half votes -- I don't know how many we have -- I would recommend we do a roll call for these votes.

MS. MORRIS: Okay. We have a request for a
roll call vote. I will yield to our executive
director, Jeff Lineberry, for the roll call.

MR. LINEBERRY: Alabama.

DELEGATE: No.

MR. LINEBERRY: Alaska.

DELEGATE: No.

MR. LINEBERRY: Arizona.

DELEGATE: Yes.

MR. LINEBERRY: Arkansas.

DELEGATE: Yes.

MR. LINEBERRY: Colorado.

DELEGATE: Yes.

MR. LINEBERRY: Connecticut.

DELEGATE: Yes.

MR. LINEBERRY: Delaware.

DELEGATE: No.

MR. LINEBERRY: Florida.

DELEGATE: No.

MR. LINEBERRY: Georgia.

DELEGATE: No.

MR. LINEBERRY: Hawaii.

DELEGATE: No.

MR. LINEBERRY: Idaho.

DELEGATE: Yes.

MR. LINEBERRY: Illinois.
DELEGATE: No.

MR. LINEBERRY: Indiana.

DELEGATE: Yes.

MR. LINEBERRY: Iowa.

DELEGATE: Yes.

MR. LINEBERRY: Kansas.

DELEGATE: Yes.

MR. LINEBERRY: Kentucky.

ATTENDEES: No.

MR. LINEBERRY: Maine.

DELEGATE: Yes.

MR. LINEBERRY: Maryland.

DELEGATE: Yes.

MR. LINEBERRY: Massachusetts.

DELEGATE: Yes.

MR. LINEBERRY: Michigan.

DELEGATE: No.

MR. LINEBERRY: Minnesota.

DELEGATE: Health, no.

DELEGATE: Ag, no.

MR. LINEBERRY: Mississippi.

DELEGATE: No.

MR. LINEBERRY: Missouri.

DELEGATE: Yes.

MR. LINEBERRY: Nebraska.
DELEGATE:  Ag, no.

DELEGATE:  Health, yes.

MR. LINEBERRY:  New Jersey.

DELEGATE:  No.

MR. LINEBERRY:  Nevada.

DELEGATE:  Yes.

MR. LINEBERRY:  New Mexico.

DELEGATE:  Yes.

MR. LINEBERRY:  New York.

ATTENDEES:  No.

MR. LINEBERRY:  North Carolina.

DELEGATE:  No.

MR. LINEBERRY:  North Dakota.

DELEGATE:  No.

MR. LINEBERRY:  Ohio.

DELEGATE:  Ag, no.

DELEGATE:  Health, no.

MR. LINEBERRY:  Oklahoma.

DELEGATE:  Yes.

MR. LINEBERRY:  Oregon.

DELEGATE:  Yes.

MR. LINEBERRY:  Pennsylvania.

DELEGATE:  No.

MR. LINEBERRY:  Puerto Rico.

DELEGATE:  No.
MR. LINEBERRY: Rhode Island.

DELEGATE: Yes.

MR. LINEBERRY: South Carolina.

DELEGATE: No.

MR. LINEBERRY: South Dakota.

DELEGATE: No.

MR. LINEBERRY: Tennessee.

DELEGATE: No.

MR. LINEBERRY: Texas.

DELEGATE: Yes.

MR. LINEBERRY: Utah.

DELEGATE: Ag, yes.

DELEGATE: Health, yes.

MR. LINEBERRY: Vermont.

DELEGATE: No.

MR. LINEBERRY: Virginia.

DELEGATE: Health, no.

DELEGATE: Ag, no.

MR. LINEBERRY: Washington.

DELEGATE: No.

MR. LINEBERRY: West Virginia.

DELEGATE: No.

MR. LINEBERRY: Wisconsin.

DELEGATE: No, health.

DELEGATE: No, ag.
MR. LINEBERRY: Wyoming.

DELEGATE: No.

MS. MORRIS: I'll yield to our parliamentarian to establish the results.

MR. TART: We love you, Dave. Thank you for that. No, but it was needed because it was a close vote. The motion fails. The yeses are 20 and a half. The nos are 25 and a half.

MS. MORRIS: Okay. That will end our Part I of Council I's report. If Deborah would come up and give Part II of their report.

MS. MARLOW: There were 16 issues of which the council recommended no action.

MS. MORRIS: Thank you, Deborah. Are there any extracted issues for Part II of Council I's report?

MR. REED: Madam Chair, Dave Reed, Minnesota Department of Agriculture. I'd like to extract Issues 1-021 and 1-022.

MS. MORRIS: Thank you.

MR. GILLIAM: Madam Chair, Scott Gilliam, Indiana. I'd like to extract Issue 1-042.

MS. MORRIS: Are there any other issues to extract?

Seeing none, I'll entertain a motion to accept
the remainder of Part II, Council I's report minus
the extracted issues.

MR. MOORE: Michael Moore from Massachusetts.
I move to accept Council I, Part II report minus
the extracted issues.

MS. MORRIS: Thank you. May I have a second, please?

MS. LHOTKA: Lorinda Lhotka from the state of
Alaska, and I'll second it.

MS. MORRIS: I have a motion and a second to
accept Council I, Part II's report minus the
extracted issues. Is there any discussion?

Hearing none, all those in favor, please say
yes.

ATTENDEES: Yes.

MS. MORRIS: All those opposed, no.
The motion carries. I will now entertain a
motion to approve Council's recommendation on
Issue 1-021.

MR. REED: Madam Chair, Dave Reed, Minnesota
Department of Agriculture. I make a motion that we
accept the Part II attachment for Issue 1-021.

MS. MORRIS: Thank you. I need a second.

MR. MOORE: Michael Moore, Massachusetts. I
second.
MS. MORRIS: Thank you. We now have a motion and a second to accept Council's recommendation on 1-021. Any discussion?

MR. REED: Madam Chair, Dave Reed again. This is an issue that looks at a practice to get recall information into the hands of consumers. That is, in my opinion, a very important issue that any way we can get additional information into the hands of consumers to let them know that they received a product that could be subject to a Class I recall is a good practice to initiate. And we'd like to see a no vote on this with no action so it can go to the executive board and get a resolution.

MS. MORRIS: Other discussion?

MR. JULIAN: Ernest Julian, Rhode Island Department of Health. I served on the Council to Improve Foodborne Outbreak Response, and I also teach a coordinator response of food emergency courses. One of the things we look at is how do we reduce the number of illnesses, the number deaths, the long-term disabilities that can have an impact on the food industry.

One of the things that comes up is we're still getting a lot of illnesses after a recall happens. One of the reasons is people right now aren't
seeing the recalls. People aren't looking at newspapers anymore. Television and radio aren't carrying recalls. They're not getting information.

What this issue recommended was using social media, using blast e-mail, text messaging, direct phone calls. A lot of the good companies are currently doing that. So they know what you bought. Instead of seeing something on the TV where you're bombarded everywhere with recalls and you ignore it, this is saying, all right, you bought this product. Information is coming directly to you saying you bought this unsafe product. Don't eat it.

So that's a great technology that's not directly dealt with in FISMA. FISMA talks about notification at the point of sale. By the time you go back to the point of sale, you probably consumed that. You're on your next shopping trip. So this deals with that. What we're asking is that you vote no so that additional study be done in this area and we use current technology to improve notification to the consumers and reduce foodborne illness.

I'd also like to recognize Linda Lewis from the FDA.
MS. LEWIS: Linda Lewis, FDA. FDA would be open to -- if this move forwards to the executive board, FDA would be open to continuing discussions about keeping the food safe in the food code and allowing for strengthening the food code so that information that's included in that in regards to food sold to consumers stays congruent with FISMA requirements as well as keeping it safe for individuals.

So as you think about the discussion that's already been had this morning, we would be open to continuing that discussion. And if it does not pass here today, regardless of that, we are still open and looking at this issue even outside of the council.

MS. MORRIS: Thank you. Any other discussion?

The motion and the second on the floor is to approve Council's recommendation of no action for Issue 1-021. I think we'll probably skip directly to a hand vote.

All those in favor of Council's recommendation for no action?

MR. LINEBERRY: We'll have to do a roll call.

MS. MORRIS: Okay. We'll have to do a roll call.
MR. GIFFORD: Madam Chair?

MS. MORRIS: Yes, Dave.

MR. GIFFORD: I didn't mean to complicate issues this morning, but I just felt like when we do the voice vote, if it is unclear at all, then we should move to a roll call vote.

MS. MORRIS: We will do a voice vote first.

All those in favor of Council's recommendation for Issue 1-021, please state yes.

ATTENDEES: Yes.

MS. MORRIS: All those opposed, please state no.

ATTENDEES: No.

MS. MORRIS: The motion to approve Council's recommendation for 1-021 fails.

I will entertain a motion to accept Council's recommendation on Issue 1-022.

MR. HAASE: Peter Haase, Wisconsin Department of Ag. I make a motion to accept the Council's recommendation for Issue 1-022.

MS. MORRIS: A second?

MR. MOORE: Mike Moore, Massachusetts. I second.

MS. MORRIS: There's been a motion and a second to accept Council's recommendation of no
action on Issue 1-022. Any discussion?

MR. REED: Madam Chair, it's Dave Reed again. This is a similar issue to 021. The difference here is that this allows regulators to get access to data during investigations of foodborne illness outbreaks in order to successfully identify ill parties, identify a food vehicle that could be contaminated or the result of causing those illnesses, and help an investigation go more quickly than it would if you didn't have that information. So I would support a no vote to this no action.

MR. JULIAN: Another way to reduce foodborne illness --

MS. MORRIS: State your name.

MR. JULIAN: Oh, sorry. Ernest Julian, Rhode Island Department of Health. Another way to reduce foodborne illness is to identify outbreaks quickly. A year ago in -- well, two years ago in 2010 we were notified of six people ill in Washington state where it was picked up from shoppers' cards where people went to Costco and they bought Daniele salami. That led to a recall of 1.4 million pounds of product. That outbreak had been going on for three months before shoppers' cards saw the source
of the outbreak.

Here, shoppers' cards can help tell us what contaminated product is the problem. Right now it can take days to get permission from people, tracking them down with wrong phone numbers, trying to get them, get their permission, get it to the store, get the information. What we're talking about here is consumers should be able to -- when they first sign for the shoppers' card, the loyalty cards, get permission to reach that information so the health department can get it immediately to reduce the number of illnesses.

Every day that goes by is more people consuming the product. What we want to do is get that information immediately, get it in the code. We want you to vote no on this to send it to the board for further research. And I'd like to recognize Don Sharp from CDC and Linda Lewis from FDA. Thank you.

MS. MORRIS: Mr. Sharp.

DR. SHARP: Don Sharp, Food Safety Office at CDC. I'd like to reiterate what Ernie just said about the outbreak with the pepper and the coating on the outside of a sausage. The information from Costco was instrumental to getting to the root of
that.

Also Wegman's was extremely helpful in the recent Turkish pine nut outbreaks salmonella enteritidis. That probably would not have been resolved without that information. That was very useful.

Recently, also Cargill was very helpful in the salmonella outbreak in ground turkey. So there have been a number of recent episodes where getting this information has been very, very useful for the investigation by the states and by CDC. Thank you.

MS. LEWIS: Linda Lewis, FDA. We see value in having this information available for public health investigation and that it's just the right thing to do for a retailer. And they can do this regardless of whether it's in the food code or not.

We, again, would work to keep the food code in line with FISMA requirements for grocery stores in this area and think that it does have value. We would look at what would be the best location, suggested location, which was mentioned in council, but we will continue to look at it if that is the best location of how it could be placed in the food code.

MS. MORRIS: Just a reminder, if you want to
step to the mic, you can line up to speed things along if you do want to speak to the issue.

MS. CRAIG: Sandra Craig, South Carolina Department of Health and Environmental Control.  
I'd like to recognize Larry Kohl.

MR. KOHL: Thank you for the opportunity to present. I guess, as I think about this, I don't think there's a retailer out there with or without a bonus card or a shopper card that's not in the spirit of cooperation with the regulatory authority in these situations.

I think if you look at the number of retailers out there that has some type of shopper card -- and I think this issue was actually addressing credit card purchases as well. There are some legality issues that have to be identified and discussed. I guess what I would leave you with is the question: In your outbreak investigations, is anybody finding that we're not cooperating as an industry to get you the information you need as quickly as possible? And that's the question.

If you're having problem with that, then I guess this is a good thing to vote down. But in the two previous examples that Dr. Sharp talked about, we don't have anything in the code today
that talks about requiring to provide shopper card information. Yet you have two companies that came forward in the investigation and provided the information to help deal with whatever is going on.

So this is just -- we are completely supportive. At least I know from my company and in my previous position in the Food Marketing Institute, the industry is completely cooperative in trying to resolve these issues. This is just not the format to put, I think, the shopper card component. The shopper card is not a public health card. The shopper card is that. It's an incentive card for purchases with very, very limited information and very, very limited data.

So you're putting, I think, too much credibility into some of these shopper cards that some companies, like at Costco, might have more capability. I just offer that out to you. The industry wants to cooperate here, but you just really have to ask yourself: Is the shopper card the hold-up here? And I guess my answer to that is I've not seen it, and I've not heard that. Thank you.

MR. JULIAN: Ernest Julian, Rhode Island. I'd like to recognize Don Sharp. There are some
examples where it's taken days to get the
information.

DR. SHARP: Thank you. Don Sharp, CDC. Just
one other example where there was a -- actually,
the investigation came to full stop. We had hot
leads that there was probably grated cheese
outbreak of salmonella. A lot of cases in
Colorado. This was about three years ago, and
everything was pointing towards grated cheese.

And we tried to get cooperation from the
retailer to get their shopper card information.
That was denied with quite a bit of back and forth.
It was denied, and that was the end of the
outbreak. We could not go further.

So it's not always -- most of the time things
work out, but sometimes we've had some issues in
the past. Thank you.

MS. MORRIS: Any other discussion?

The motion that has been seconded on the floor
is to accept the Council's recommendation for no
action on Issue 1-022. Seeing no further
discussion, all those in favor of accepting the
Council's recommendation, please say yes.

ATTENDEES: Yes.

MS. MORRIS: All those opposed, say no.
ATTENDEES: No.

MS. MORRIS: Our parliamentarian says the nos win. So the motion to accept the Council's recommendation fails.

I'll entertain a motion to accept the Council's recommendation on Issue 1-042.

MS. GERHARDT: Terri Gerhardt, Ohio Department of Agriculture. I move that we accept Council's recommendation on 1-042.

MS. MORRIS: A second?

MR. MOORE: Mike Moore, Massachusetts. I second.

MS. MORRIS: We have a motion to accept Council I's recommendation for Issue 1-042. Any discussion? Scott.

MR. GILLIAM: Scott Gilliam, Indiana State Department of Health. I would recommend that the delegates do not agree with the council on this issue. We had a lot of firsthand experience here in Indiana with transportation issues, and we see this issue as something that could benefit all of us. The food distribution industry is the missing food safety gap in the farm continuum. So I would encourage that the delegates would reconsider this.

I would also like to call on two individuals
the original individual could not be here today. So Keith Jackson from PFGE will speak, and Linda Lewis from FDA.

MR. JACKSON: Good morning. Thank you. I have a statement from Frank Burco, the original presenter of this issue I'd like to read. Distribution and transportation is a key segment of the food chain. Food protection in transit and in storage is an area of some concern based on multiple findings of under-refrigerated vehicles transporting TCS foods to retail.

Extraction and rejection of this no action allows the CFP board to have the states, the distribution industry, food service, and other interested parties work with FDA on this issue in an ad hoc manner.

I'd like to add to this I'm relatively new to food distribution. I spent 15 years in the food service, so I'm learning a lot. Part of what I'm learning is the volume and variety of foods that actually go through food distribution centers. Because of this, we're in a unique position that we manage and control a lot of unsafe foods that are implicated in the food code.

Having this committee would allow us to be
proactive in the area of FISMA to put our thoughts
together and come up with the best practice
guidance document to help. Thank you.

MS. MORRIS: Other discussion?

MR. McNINCH: Madam Chair, Dave McNinch of
Nevada. I would ask, if you could, recognize Chris
Melchert from the National Restaurant Association.

MR. MELCHERT: Christopher Melchert with the
National Restaurant Association. National
Restaurant Association supports the issue going to
the CFP board and ad hoc committee being formed.

Thank you.

MS. MORRIS: I believe Mr. Gilliam had
recognized Linda Lewis with FDA. Do you wish to
speak to the issue?

MS. LEWIS: Linda Lewis, FDA. FDA recognizes
the importance of the safe distribution and
transportation of food, and Congress has directed
FDA to develop rules that speak to this issue for
the safe transportation of food.

We encourage members of CFP to -- we did
provide a comment period for when the rules were
published, and we do encourage the members of CFP
to participate in that comment period and believe
that those comments would be helpful. If the
conference believes that a committee would help in that area, then we are in agreement. We do not object to forming a committee and working through that committee to provide public comment and sharing those comments.

MS. MORRIS: Thank you. Dave Reed.

MR. REED: Madam Chair, Dave Reed, Minnesota Department of Agriculture. This issue is important that retail facilities are regulated at the retail level because distribution occurred -- all of the product that gets into the retail outlets, whether it's a restaurant or grocery stores, is coming through some sort of transportation system. There should be -- as part of the receiving procedures, they should be considering how they're purchasing product from and how it's arriving and the vehicle's condition of the vehicles that are delivering.

This issue, in addition to looking at the large level distribution, also has an impact at the retail level if they're not paying attention to how that product is being moved. I would support a committee.

MS. LHOTKA: I'm Lorinda Lhotka from the state of Alaska, and I support the executive board
forming a committee on transportation. This is a critical issue for the majority of Alaskans. We often receive lettuce that is frozen and ice cream that is melted.

Food sits out on runways in Alaska in rural communities sometimes for hours where it's not -- it's in the -- it's under the -- airlines are responsible for it and the facilities have not yet received it.

In addition, we've asked our Alaska delegation for Congress to address this, but we've seen very little changes over the years for Alaskans. And we've even had transportation work groups with our Food Safety Advisory Committee with very little success in improving the conditions in Alaska. So I'd recommend a no on this issue.

MS. MORRIS: Thank you. Other discussion?

Hearing none, we have a motion and a second to approve Council's recommendation for no action on Issue 1-042. All those in favor of approving Council's recommendation, please say yes.

ATTENDEES: Yes.

MS. MORRIS: Those opposed, please say no.

ATTENDEES: No.

MS. MORRIS: The motion fails for Council's
recommendation of no action.

At this time I will yield the floor to our Council II chair for his report.

MR. BHATT: Thank you, Madam Chair. Delegates, friends, colleagues, certainly, it's been an honor to serve on Council II as the chair. Without the help from the executive board, colleagues, people who trained me, Aggie Hale from last conference, I wouldn't have done what I was able to do.

I would like to extend my sincere thanks to Council II vice chair Patrick Guzzle, our parliamentarian Janet, runners, and scribes. Each and every one of them did an excellent job in making the deliberation of the Council II the most productive and positive experience.

In Council II we had a total of 38 issues. Part I of my report indicates the affirmative issues. Twenty-five issues were accepted as submitted or accepted as amended.

MS. MORRIS: Thank you. Do we have any extracted issues from Part I of Council II's report?

MS. WALKER: Sandra Walker, State of Michigan. I would like, Madam Chair, to extract Issue 2-037.
MS. MORRIS: That is actually in -- that has not been presented yet. That is not in Part I of the report.

MS. WALKER: I'm new.

MS. MORRIS: Any other issues in Part I that you wish to extract?

Seeing none, I will entertain a motion to accept Part I of Council II's report, which includes all of their affirmative actions from their council.

MR. MOORE: Mike Moore, Massachusetts. I move to accept Part I of Council II's report.

MS. MORRIS: Thank you.

MS. FLETCHER: Jessica Fletcher from the State of Connecticut. I second.

MS. MORRIS: There is a motion and a second to accept Part I of Council II's report. Any discussion?

All those in favor, please say yes.

ATTENDEES: Yes.

MS. MORRIS: Any opposed, please say no.

Motion carries. We will now have Part II of Council's report.

MR. BHATT: Thank you. Part II of Council II has seven issues that were deliberated by the
council with no actions.

MS. MORRIS: Thank you. Do we have any extractions from Part II of Council II's report, the negative actions?

MS. WALKER: Now I can. Sandra Walker, Michigan. I would like to extract Issue 2-037.

MS. MORRIS: Thank you.

MR. MOORE: Mike Moore, Massachusetts. I second that.

MS. MORRIS: No second is necessary. Any other extractions?

I will entertain a motion to accept Part II of Council II's report minus extracted Issue 37. Do I have a motion to accept Part II of Council II's report?

MR. ZAPPE: Steve Zappe, New Mexico. I move to accept the issues in Part II.

MS. MORRIS: Minus the extracted issues.

MR. ZAPPE: Minus the extracted issues.

MR. MOORE: Mike Moore. I second that.

MS. MORRIS: Any discussion?

We have a motion to accept Part II of Council II's reported minus Issue 37. All those in favor, please say yes.

ATTENDEES: Yes.
MS. MORRIS: Any opposed, no.

Thank you. Motion carries. We will now entertain a motion to accept Council's recommendation on Issue 2-37.

MS. WALKER: Madam Chair, Sandra Walker, Michigan. I make a motion to accept Council II's recommendation as submitted for Issue 2-037.

MS. MORRIS: I need a second.

MR. McNINCH: Madam Chair, for purposes of discussion, I second. Dave McNinch from Nevada.

MS. MORRIS: Thank you. We have a motion to accept the Council's recommendation for no action on Issue 2-37. Any discussion?

MS. WALKER: Madam Chair, I would like to recognize Kevin Halfmann --

MR. TART: State your name and affiliation.

MS. WALKER: I'm sorry. Sandra Walker, Michigan. Madam Chair, I would like to recognize Kevin Halfmann of Michigan and Peter Haase of the great state of Wisconsin.

MS. MORRIS: Thank you.

MR. HALFMAN: Good morning. Kevin Halfmann of Michigan Department of Agriculture. Issue 2-37 is about requirements and training for operators of firms where HACCP is required in the food code.
We've seen too many instances where HACCP plans submitted as required the firm can get a plan crafted by a consultant or on the Internet just to meet the requirement but still lacking the knowledge of HACCP.

There's currently no specific requirement of HACCP in the food corporate training. In a HACCP situation at a firm were risk factors can be handled improperly, we see that time and time again. We realize now that the submission, 2-37, could have been written better, but we just don't want to lose the concept of this training going forward of some type of HACCP training in the food code where currently there's no specific requirement.

MR. HAASE: Madam Chair, Peter Haase with the Wisconsin Department of Ag. I, too, do not support the Council's recommendation. I support the issue of this moving forward into the executive board for reconsideration. I also believe that this issue as submitted was probably submitted wrong.

There is a very strong need for any mandated HACCP plan that we're going to require at a retail facility that the individual who is administering that plan who is maintaining the records of that
receives some sort of approved training and receives some certification showing that they did pass that training.

So, again, I'm not in support of the Council's recommendation. I would like to see this move to the executive board.

MS. MORRIS: Thank you. Other discussion?

Dave.

MR. REED: Madam Chair, Dave Reed, Minnesota. I'm also not in support of the conflict resolution here. The reason that it was no action given is it's resolved in Council I issue, I believe, 13. And that issue, basically, called for guidance documents where this issue calls for training.

So there is a distinct difference between those two events. It is important to have training for people that are going to be getting variances for -- even if they don't get variances, if they are required to operate under a HACCP plan for public health purposes, it's very important that they be trained and know what they're doing if they're going to be operating under HACCP.

MS. MORRIS: Other discussion?

Currently, the motion is to approve Council's recommendation of no action for Issue 2-037.
Hearing no discussion, all those in favor, please say yes.

ATTENDEES: Yes.

MS. MORRIS: Those opposed, please say no.

ATTENDEES: No.

MS. MORRIS: The parliamentarian has decided to do a roll call.

MR. LINEBERRY: Alabama.

DELEGATE: Yes.

MR. LINEBERRY: Alaska.

DELEGATE: No.

MR. LINEBERRY: Arizona.

DELEGATE: Yes.

MR. LINEBERRY: Arkansas.

DELEGATE: No.

MR. LINEBERRY: Colorado.

DELEGATE: No.

MR. LINEBERRY: Connecticut.

DELEGATE: No.

MR. LINEBERRY: Delaware.

DELEGATE: No.

MR. LINEBERRY: Florida.

DELEGATE: Yes.

MR. LINEBERRY: Georgia.

DELEGATE: No.
MR. LINEBERRY: Hawaii.
DELEGATE: No.
MR. LINEBERRY: Idaho.
DELEGATE: Yes.
MR. LINEBERRY: Illinois.
DELEGATE: No.
MR. LINEBERRY: Indiana.
DELEGATE: No.
MR. LINEBERRY: Iowa.
DELEGATE: Yes.
MR. LINEBERRY: Kansas.
DELEGATE: Yes.
MR. LINEBERRY: Kentucky.
DELEGATE: Yes.
MR. LINEBERRY: Maine.
DELEGATE: No.
MR. LINEBERRY: Maryland.
DELEGATE: No.
MR. LINEBERRY: Massachusetts.
DELEGATE: Yes.
MR. LINEBERRY: Michigan.
DELEGATE: No.
MR. LINEBERRY: Minnesota.
DELEGATE: Health, no.
DELEGATE: Ag, no.
MR. LINEBERRY: Mississippi.
DELEGATE: Yes.

MR. LINEBERRY: Missouri.
DELEGATE: Yes.

MR. LINEBERRY: Nebraska.
DELEGATE: Ag, yes.
DELEGATE: Health, yes.

MR. LINEBERRY: New Jersey.
DELEGATE: No.

MR. LINEBERRY: Nevada.
DELEGATE: Yes.

MR. LINEBERRY: New Mexico.
DELEGATE: Yes.

MR. LINEBERRY: New York.
DELEGATE: No.

MR. LINEBERRY: North Carolina.
DELEGATE: Yes.

MR. LINEBERRY: North Dakota.
DELEGATE: No.

MR. LINEBERRY: Ohio.
DELEGATE: Ag, no.
DELEGATE: Health, no.

MR. LINEBERRY: Oklahoma.
DELEGATE: No.

MR. LINEBERRY: Oregon.
DELEGATE: No.

MR. LINEBERRY: Pennsylvania.

DELEGATE: No.

MR. LINEBERRY: Puerto Rico.

DELEGATE: Half vote, no.

MR. LINEBERRY: Rhode Island.

DELEGATE: No.

MR. LINEBERRY: South Carolina.

DELEGATE: No.

MR. LINEBERRY: South Dakota.

DELEGATE: Yes.

MR. LINEBERRY: Tennessee.

DELEGATE: Yes.

MR. LINEBERRY: Texas.

DELEGATE: Yes.

MR. LINEBERRY: Utah.

DELEGATE: Ag, no.

DELEGATE: Health, no.

MR. LINEBERRY: Vermont.

DELEGATE: No.

MR. LINEBERRY: Virginia.

DELEGATE: Health, no.

DELEGATE: Ag, no.

MR. LINEBERRY: Washington.

DELEGATE: Yes.
MR. LINEBERRY: West Virginia.
DELEGATE: No.
MR. LINEBERRY: Wisconsin.
DELEGATE: No, health.
DELEGATE: No, ag.
MR. LINEBERRY: Wyoming.
DELEGATE: No.

MS. MORRIS: Parliamentarian has informed me that the motion fails. At this point we'll recognize the chair for Council II for Part III of his report.

MS. WALKER: Madam Chair, point of information. Could we have a count, please? Sandra Walker, Michigan.

MS. MORRIS: The count was 27 nos and 19 yeses. So the motion for no action did fail. We will now have Part III of Council II's report.

MR. BHATT: I thought there was only one great states of united and not all these little different states we keep hearing about.

Part III of Council II dealt with the constitution and bylaws, and there were a total of six issues that were accepted.

MS. MORRIS: Do we have any extracted issues from Part III of Council II's report?
I'll entertain a motion to accept Part III of Council II's report.

MR. JULIAN: I'm not sure why, but I'll recognize --

MS. MORRIS: We need to have a motion to accept Part III of Council II's report before discussion.

MR. JULIAN: Aren't we doing extractions?

MS. MORRIS: This is Council II's report.

MR. TART: This is Council II, Part III, and no one extracted an issue.

AUDIENCE MEMBER: Just a clarification on -- could we restate the outcome of that previous vote. Point of information.

MS. MORRIS: The motion to accept Council's recommendation for no action on Issue 2-037 failed. So that will move forward to the executive board.

AUDIENCE MEMBER: Thank you.

MS. MORRIS: Currently, we have Part III of Council II's report, which deals with the bylaws issues, and I need a motion to accept that part of the report.

MR. MOORE: Mike Moore, Massachusetts. I move to accept Part III of Council II's report.

MS. MORRIS: Thank you.

MS. MORRIS: We have a motion and a second to accept Council's recommendations on the Part III of their report which deals with the bylaws. Any discussion?

All those in favor, please say yes.

ATTENDEES: Yes.

MS. MORRIS: Opposed, no.

The motion carries. I will now recognize Rich Linton for the Council III report.

MR. LINTON: Good morning, everybody. I first wanted to reach out and thank the CFP conference for the opportunity to serve as Council III chair the last two years. I enjoyed the experience very much and certainly enriched my professional life.

It's my understanding that I'm the only academic that served in this role, and I'm hopeful that this paves the path for other academics to do it in the future.

I'd like to recognize and thank many of those who have helped over the last couple years. First, my vice chair, Dave Gifford, for his help in the past two years and serving as a great mentor. I think Madam Chair described it pretty well. We
love you, Dave.

To my council members, you did a great job in preparing and for the involvement in a very passionate discussion over the last three days. I appreciate all of their efforts. Also to my scribe, Sarah Popovich, and to my parliamentarian, Alan Tart. Both are very talented and gifted people, and they acted in a very professional manner over the past three days. Without their help, our work would not be possible. Thanks are also extended to the many runners that we had over the last couple days.

At the start, Council III had 30 issues. During deliberation, our council sent Issue 3-005 to Council I, and Council I sent issue 1-017 to Council III. With the equal trade, our council then deliberated on a total of 30 issues.

For the first part of this report, Council III has recommended the acceptance of 24 issues, 8 as submitted and 16 as amended as received in their packet. Within these accepted issues, our council has recommended the reformation of one committee, which is hand hygiene, and the creation of three new committees.

MS. MORRIS: Thank you. Any extracted issues
from Council III's, Part I report?

MR. HUFFMAN: Troy Huffman with the Nebraska Department of Health. I'd like to extract Issue 3-020.

MS. MORRIS: Others?


MS. MORRIS: We don't need a second for extracted issues. Any other extractions?

I will entertain a motion to accept Part I of Council III's report minus the extracted issue.

MR. MOORE: Mike Moore, Massachusetts. I move to accept Part I of Council III report minus the extracted issue.

MR. HUFFMAN: Troy Huffman, Nebraska Department of Health. I second.

MS. MORRIS: Thank you. That's a motion and a second to accept Part I, Council III's report minus the extraction.

Any discussion?

All those in favor, please say yes.

ATTENDEES: Yes.

MS. MORRIS: Any opposed, no.

Motion carries.

I will now entertain a motion to accept Council's recommendation on Issue 3-020.
MR. HUFFMAN: Troy Huffman with the Nebraska Department of Health. I move that we accept Issue 3-020.

MR. MOORE: Mike Moore, Massachusetts. I second that.

MS. MORRIS: We have a motion and a second to accept Council's recommendation on Issue 3-020. Any discussion?

MR. HUFFMAN: Troy Huffman with the Nebraska Department of Health. I'd like to recognize FDA either Kevin Smith or Jay Scott to the microphone, please.

MS. MORRIS: The chair recognizes Kevin Smith.

MR. SMITH: Kevin Smith. Thank you, Madam Chair and delegates. Kevin Smith, FDA. I did expect to come up here to speak after we had heard some discussions from delegates about their thoughts on this issue, but I'm not prepared to speak to what FDA's thinking is on it.

During Council III deliberation of this issue, FDA representatives expressed concerns about the specific proposal to modify the food code in the manner proposed and concerns about the nature of the data that was submitted in support. We felt it was perhaps not sufficient to justify the specific
code change that was proposed.

The issue submitted to the council does raise a valid concern about the language in the 2009 food code and its annexes. We agree that the current language perhaps does not adequately address the appropriate animal cooking temperatures for raw animal foods that are cooked in a microwave oven when it is actually steam or steam in combination with the microwave energy that is delivering validity needed to bring that product to a fully cooked state.

FDA does intend to consider this provision in the food code going forward whether this assembly chooses to accept or reject the recommendation of Council III. Thank you.

MR. HUFFMAN: Troy Huffman, Nebraska Department of Health. The specifics of the study that raised concern for me and several of the colleagues on our council were that the cooking process in the example that they gave on a particular product varied in range of about 21 degrees from one part of the product to the other part.

The examples that were used, used very high-tech equipment in the microwave process. The
proposal would allow the temperatures to foresee foods cooked in this manner in steam with microwave as the conduit to produce the heat to be lowered to 145. I believe that, actually, the study supported the fact that the temperature should stay 165. Just by showing that there was such a wide range in that product, I find it hard for a very small operator without the access of the expensive equipment that verified this process that got it to 145 it would be very difficult for them to do that, and this could open the door for a lot of problems. Thank you.

MS. MORRIS: Other discussion?

The motion on the table is to accept Council's recommendation for Issue 3-020. Hearing no further discussion, all those in favor of accepting Council's recommendation for 3-020, please say yes.

ATTENDEES: Yes.

MS. MORRIS: Those opposed, please say no.

ATTENDEES: No.

MS. MORRIS: The motion fails.

We will now have Part II of Council III's report.

MR. LINTON: Thank you, Madam Chair. For the second part of the report, Council III has
recommended taking no action on six issues as
referenced in your packet.

MS. MORRIS: Thank you, Council Chair. I will
now entertain a motion to -- first, would anyone
like to extract any issues from Part II of
Council III's report?

Seeing none, I will entertain a motion to
accept Part II of Council III's report.

MR. MOORE: Mike Moore, Massachusetts. I move
to accept Part II of Council III's report.

MS. MORRIS: Thank you.

MR. HUFFMAN: Nebraska Department of Health,
Troy Huffman. Second.

MS. MORRIS: We have a motion and a second to
accept Part II of Council III's report. Is there
any discussion?

All those in favor, please say yes.

ATTENDEES: Yes.

MS. MORRIS: Any opposed, no.

Thank you. And thank you, Council Chairs.

At this time I think that concludes our voting
on the issues. I would like to recognize our
resolutions chair for this year's conference,
Mr. Larry Kohl.

MR. KOHL: Thank you, Madam Chair. And good
morning. I guess I'd like to start, first, with thanking all of you for being here and all of you for staying here, and now I have a better idea why so many of you stayed. I'm going to play the lotto today.

Anyways, I want to thank the resolutions committee and those folks that were on that that helped us with the resolutions for the 2012 conference, Elizabeth Nutt; our chair, Sheri Morris; and our vice chair, Michael Roberson.

Again, secondly, I'd like to thank all of you for your participation. Several of you offered suggestions with who we should recognize from the resolution standpoint, and your input was valuable in this process. So I'm going to try to keep these very brief. There's several of them, and I know a lot of you have other obligations you need to get to probably sooner than later.

So the first proposed resolution is for our local arrangements committee. The first is for local arrangements committee, and I'd like to recognize Scott Gilliam with the Indiana Department of Health, Rich Linton with The Ohio State University -- that was hard for me to do that -- Kelly Whiting with the Marion County Health
Department, Stephanie Mohn with Marsh Supermarkets, and Debra Scott with the Indiana Restaurant Association. If those folks are here, could you please stand up for a quick round of applause.

I think as the next conferences identify, as far as the location, I think people that are in those particular areas their heart kind of starts to beat faster. Maybe some of them stop for a little while. Without their help, this meeting would not have happened. I've been to many of these conferences, and this was just an outstanding event. And, again, without your help and your dedication, your coordination, your leadership, the event itself was outstanding.

Scott, thank you for putting in a little extra work on the weather. You were pretty much right on there and, again, just an outstanding effort. Thank you, again.

Second, I'd like to -- actually, I'm going to pass on the second because we're going to wait for the hotel staff. Are they there? Can you bring them in?

Thank you for coming. On behalf of the Conference for Food Protection, we'd like to recognize the hotel staff for your support,
hospitality, amenities, service, and I'm just wondering who's actually providing any service to these facilities now that all of you are here. That's their problem. We appreciate it.

I'd like to call out, if I may, Brian Combs, Sheila James, Sarah Crockmeier, and Chef Byron Gable. Anyway, you guys have been fantastic. The amenities were fantastic, your support, your reaction to our needs has been great. And with all of us, we'd like to give you a round of applause.

Third, I'd like to recognize Terri Ribble from the conference direct. This was -- Terri was new to the 2012 conference, and her company helped support Jeff and the executive board in coordinating the conference and contributing towards managing the overall costs along with trying to provide more value-added services. I think they did an outstanding job as a result of our 2012 conference.

Fourth, I think we all recognize and have been recognized already throughout the conference on several occasions, but I'd like to take a quick minute and recognize the 38 sponsors of the meeting. And we had four levels. I'd like to read through them very quickly.
The titanium level sponsor, which was -- there were ten companies that supported that. Ahold USA, ChemStar Corporation, Darden Restaurants, Ecolab, the Food Marketing Institute, Jetro/Restaurant Depot, the National Registry of Food Safety Professionals, Proctor & Gamble, the National Restaurant Association, and Yum! Brands. If you're in the room, please stand so we can recognize you.

The next level is the gold level sponsors. We had 14 sponsors in this category, and they are as follows: ARAMARK, Compass Group, Delhaize America, Harris Teeter, International Association for Food Protection, Meijer, Meritech, N2N Global, NSF International, Orkin Commercial Services, Publix Super Markets, Sodexo, Underwriters Laboratories, and Wal-Mart. If you're in the room, please be recognized by standing.

Our third level is the silver sponsors. We had ten of these. The Better Seafood Board, Burger King Corporation, CKE Restaurants which is Hardee's or Carl's, Coca-Cola Company, Kroger Company, National Automatic Merchandising Association or NAMA, Prometric, Stericycle Expert Recall, Supervalu, and Wegman's. Please stand for our recognition.
And last, but certainly not least, our bronze level sponsors. We had four. The Global Food Protection Institute, the International Accreditation Service, the State Food Safety, and Steritech. If you're here, please stand so we can recognize you. Thank you again.

Our fifth resolution is for an individual. This individual has had over 24 years of service and participation with the Conference for Food Protection and has served in multiple capacities, including, now finishing after today's conference, his second successive six-year term on the executive board. And that individual is Cory Hedman.

Cory started in 1988 at the Orlando conference and hasn't missed one since. He's been just an incredible mentor to many of us within the conference. He's helped the executive board stay on task. He has incredible strategic thinking and vision, which is aligned with moving the Conference for Food Protection forward. And, again, I'd like to have Cory stand. He is standing. Stand up, Cory. Next time I'll have him stand on a chair. He'll get even. Don't worry.

The sixth individual we'd like to recognize is
a long-standing individual, probably one that many of us emulate. For myself, one that I worked with for a number of years, and he taught me everything I know about how to play softball and running and falling but has displayed just an incredible level of leadership, professionalism, organizational skills, and probably, most importantly in a time of flux after the following conference with the food management certification program, really helped lead that group from a standpoint of keeping everybody on task and building and working towards consensus. This individual many of you know and have a ton of respect for, that's John Marcello. We'll have to get him on a chair too.

Next, I'd like to offer a resolution for our two conference issue co-chairs, Vicki Everly and Aggie Hale. Again, not an easy task, and as the conferences continue to go on, it doesn't seem like the number of issues get fewer. But the process, in a lot of ways, they've done an incredible job of streamlining the process. But in many ways, it gets more complicated. And this year I know there was many challenges, but you two did an outstanding job. And on behalf of the conference, thank you very much.
Eighth is a resolution for supporting the development of a national campaign to petition the Citizens' Stamp Advisory Committee of the United States Postal Service to develop, approve, and issue a commemorative stamp honoring the environmental health profession. This is one of our colleagues that has since retired, but this issue is working towards a writing campaign, if you will, and development of a recognition for the environmental health professional.

Ninth is to our conference vice chair, Michael Roberson with Publix. Michael experienced something that no past vice chair had ever experienced, and that was the conference chair leaving the organization due to a -- actually, she moved out of the country. So in the transition time period, Michael stepped up without delay, led the executive board, and told they could reach a clear consensus on their and on our conference chair with Sheri. Michael, thank you for your leadership, your support to the conference, and your ability to step up when needed. So please stand so we can recognize you.

And, actually, Michael, I'd like to turn the floor over to you, please.
MR. ROBERSON: Thank you, Larry. Madam Chair, delegates, guests, it's been an absolute honor and pleasure to serve with the executive board and the conference over the last two years. It's been truly a learning experience to understand this whole process, but Sheri Morris, our chair, has been an absolute delight to work with. I've learned so much from working with Sheri over the last two years, my goodness, just the amount of work and enthusiasm and the passion that she has in working behind the scenes with the executive board and with the executive staff keeping everything moving, especially once we got to October time frame and the issues submittal.

There was a tremendous amount of communication, and Sheri has a day job as we all do. She really stepped up to the plate and really helped to move a lot of the issues behind the scenes. And I just would like to also offer the resolution of our sincere gratitude and appreciation for the work of our chair, Sheri Morris with the State of Pennsylvania.

MR. KOHL: Thank you. I promise I'm almost done. So last and certainly not least, we'd like to publicly recognize and support our executive
director, Jeffrey Lineberry. Jeff, you've -- I guess I had the opportunity to know you early because of my experience on the board when we were searching and looking for a replacement to Trevor.

At the time I know many of us were kind of, Oh, boy, what do we do without Trevor; right? But what a job you've done in the last three conferences, again, just in a time of the economic kind of crisis that we haven't seen in years, the pressures on the conference itself, on the membership to be able to participate, get here, and execute and all the things we do through this conference, it wouldn't have happened without your leadership, your loyalty.

On behalf of the conference, thank you for your service, your friendship, your leadership, and, most importantly, probably your advocacy for not only food safety but for the Conference for Food Protection.

Madam Chair, I offer these resolutions for the assembly's consideration. Thank you.

MS. MORRIS: And before we move to take action on the resolutions, since Mr. Kohl gave the resolution for Jeff Lineberry last, I just want to say ditto to everything he said. Jeff has been an
enormous asset on the executive board as the executive director. He's done a superior job keeping everything in line the last five or six years. And at this time I just want to offer our appreciation to Jeff and wish him well in his retirement and present this gift that we are giving from the conference.

Sorry. I need my notes so I stay in order. At this time we need to entertain a motion to accept the resolutions that Larry Kohl presented.

MR. HUFFMAN: Troy Huffman, Nebraska. It is my honor from the great nation of the United States to accept these resolutions as submitted.

MR. MOORE: Mike Moore, Massachusetts. I second that.

MS. MORRIS: Any discussion?

We have a motion and a second to accept the resolutions as our chair, Mr. Kohl, presented. All those in favor, please say yes.

ATTENDEES: Yes.

MS. MORRIS: Any opposed?

Thank you. I would also now like to entertain a motion -- it is customary for the assembly to offer a motion to allow the board to make editorial changes to issues that were submitted or the
transcript or any other issues that might need changed editorial but not substantively.

MR. JULIAN: Ernest Julian, Rhode Island. I so move that the board be given editorial right to make changes.

MR. MOORE: Mike Moore, Massachusetts. I second that.

MS. MORRIS: Thank you. We have a motion and a second to allow the board to make editorial changes. Any discussion?

All those in favor, please say aye.

ATTENDEES: Aye.

MS. MORRIS: Opposed?

Thank you. At this time it will be my pleasure to introduce you to your next conference chair and vice chair. I will say my experience has been enlightening. It's been rewarding from a professional standpoint, and it's unbelievable what you learn about how much work goes on behind the scenes with these conferences.

But at this point I'd like to introduce Lori Lemaster with Tennessee. She will be your new conference chair. And Donna Garren with the American Frozen Food Institute will be your vice chair, although she was unable to be present.
Just real quickly, I just want to remind you all that there will be a committee sign-up e-mail that goes out. Just pay attention to your e-mail and your future notifications from the conference. That will be how some of those things occur. So we encourage you to apply for committees. If you're interested in applying for a chair of a committee, please let that be known.

At this point, unless we have any other business, I will entertain a motion to adjourn.

MR. HUFFMAN: Troy Huffman, Nebraska Department of Health. Motion to adjourn.

MR. MOORE: Mike Moore, Massachusetts. I second that.

MS. MORRIS: Any discussion?

All those in favor, say yes.

ATTENDEES: Yes.

MS. MORRIS: Opposed?

Safe travels, everyone.

(The Conference for Food Protection adjourned at 10:30 a.m.)
STATE OF INDIANA  
COUNTY OF MARION  

I, Nancy M. Kottenstette, a Notary Public in and for said county and state, do hereby certify that the foregoing Conference for Food Protection was taken at the time and place heretofore mentioned between 8:34 a.m. and 10:30 a.m.;

That said Conference for Food Protection was taken down in stenograph notes and afterwards reduced to typewriting under my direction; and that the typewritten transcript is a true record of the testimony given;

I do further certify that I am a disinterested person in this cause of action

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 27th day of April, 2012.

Nancy M. Kottenstette

My Commission expires:  
September 13, 2013

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