

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

P R O C E E D I N G S

ASSEMBLY OF VOTING DELEGATES

CONFERENCE FOR FOOD PROTECTION MEETING

April 12, 2006

Hyatt on Capitol Square

Columbus, Ohio

8:30 a.m.

- - -

SHAYNA M. STORTS

REGISTERED PROFESSIONAL REPORTER

- - -

ANDERSON REPORTING SERVICES, INC.

3242 West Henderson Road, Suite A

Columbus, Ohio 43220

(614) 326-0177

FAX (614) 326-0214

## 1 P R O C E E D I N G S

2 The Assembly of State Voting Delegates for  
3 the 2006 Conference for Food Protection was convened  
4 at the Hyatt on Capitol Square, Columbus, Ohio, with  
5 Janice D. Buchanon, Conference Chair, presiding.

6 - - -

7 THE CHAIR: Good morning. The 2006  
8 Conference for Food Protection Assembly of State  
9 Voting Delegates is hereby called to order. Before  
10 we begin this morning, I'd like to introduce the  
11 folks sharing the dais with me. To my right,  
12 Mr. Trevor Hayes, our executive director; to his  
13 right, John Krakowski, conference Parliamentarian;  
14 and then Allen Gelfius, also conference  
15 Parliamentarian.

16 To my left, Cory Hedman, Conference Vice  
17 Chair; to his left, Elizabeth Nutt, our Resolutions  
18 Chair; and she is followed by our Council Chairs,  
19 Frank Yiannas, Chair Council I; Vicki Everly, Chair  
20 Council II; and Larry Kohl, our Chair for  
21 Council III.

22 I'd like to take a moment again to thank  
23 all of the voting delegates, the Council chairs, vice  
24 chairs and Council members, our parliamentarians, the

25

1 committee chairs and committee members, you, the  
2 conference members, and, of course, our executive  
3 board.

4 This has been a most exceptional and  
5 enjoyable conference, marked by your determined  
6 effort to set a positive example for others to point  
7 to when the question is raised: How do organizations  
8 work out the position differences among their  
9 members? You have redefined collaboration so that it  
10 is synonymous with Conference for Food Protection.  
11 You have all done an outstanding job and give  
12 yourselves a round of applause.

13 (Applause.)

14 And with that, at this time I'll turn it  
15 over to our executive director, Mr. Trevor Hayes.

16 TREVOR HAYES: Good morning, everyone.

17 FROM THE FLOOR: Good morning.

18 TREVOR HAYES: I will begin with the roll  
19 call of the states. There are a few changes to the  
20 delegate roster that was distributed yesterday. If  
21 you will please add Dave Reid, Minnesota ag to your  
22 roster. And if you will flip the two names for the  
23 Michigan delegation, your copy will then be up to  
24 date.

25

1 Tom, you also wish to make a change.

2 Would you like to do that now?

3 TOM LEITZKE (WISCONSIN): Yes. Jackie

4 Owens will serve as the delegate.

5 TREVOR HAYES: Okay. From Wisconsin

6 Jackie Owens will serve as the delegate in place of

7 Tom Leitzke.

8 As I read out the name of your state, I'd

9 like you to respond by indicating the share of the

10 vote you have. If you have a full vote, please so

11 state. If you have less than a full vote, please

12 indicate the share of the vote you have; for

13 instance, one-half or one-third.

14 Alabama?

15 ALABAMA: Full vote.

16 TREVOR HAYES: Thank you. Alaska?

17 ALASKA: Full vote.

18 TREVOR HAYES: Arizona?

19 ARIZONA: Full vote.

20 TREVOR HAYES: Arkansas?

21 ARKANSAS: Full vote.

22 TREVOR HAYES: California?

23 CALIFORNIA: Full vote.

24 TREVOR HAYES: Colorado?

25

1 COLORADO: Full vote.

2 TREVOR HAYES: Connecticut?

3 CONNECTICUT: Half vote.

4 CONNECTICUT: Half vote.

5 TREVOR HAYES: Thank you. Delaware?

6 DELAWARE: Full vote.

7 TREVOR HAYES: Florida?

8 FLORIDA: One-third.

9 FLORIDA: One-third.

10 FLORIDA: One-third.

11 TREVOR HAYES: Georgia?

12 GEORGIA: One vote.

13 TREVOR HAYES: Hawaii?

14 HAWAII: Full vote.

15 TREVOR HAYES: Idaho?

16 IDAHO: Full vote.

17 TREVOR HAYES: Illinois?

18 ILLINOIS: Full vote.

19 TREVOR HAYES: Indiana?

20 INDIANA: Full vote.

21 TREVOR HAYES: Iowa?

22 IOWA: Full vote.

23 TREVOR HAYES: Kansas?

24 KANSAS: One-half.

25

1 KANSAS: One-half.

2 TREVOR HAYES: Thank you. Kentucky?

3 KENTUCKY: Full vote.

4 TREVOR HAYES: Louisiana will not be  
5 represented.

6 Maine?

7 MAINE: Full vote.

8 TREVOR HAYES: Maryland?

9 MARYLAND: Full vote.

10 TREVOR HAYES: Massachusetts?

11 MASSACHUSETTS: Full vote.

12 TREVOR HAYES: Michigan?

13 MICHIGAN: Full vote.

14 TREVOR HAYES: Minnesota?

15 MINNESOTA: Half vote.

16 MINNESOTA: Half vote.

17 TREVOR HAYES: Thank you. By the way, the  
18 roster should also reflect that for Michigan Kevin  
19 Besey is the voting delegate.

20 Mississippi?

21 MISSISSIPPI: Full vote.

22 TREVOR HAYES: Missouri?

23 MISSOURI: Full vote.

24 TREVOR HAYES: Montana?

25

1 MONTANA: Full vote.

2 TREVOR HAYES: Nebraska?

3 NEBRASKA: Full vote.

4 TREVOR HAYES: Nevada?

5 NEVADA: Full vote.

6 TREVOR HAYES: New Hampshire?

7 NEW HAMPSHIRE: Full vote.

8 TREVOR HAYES: New Jersey?

9 NEW JERSEY: Full vote.

10 TREVOR HAYES: New Mexico?

11 NEW MEXICO: Full vote.

12 TREVOR HAYES: New York?

13 NEW YORK: One-half.

14 NEW YORK: Half vote.

15 TREVOR HAYES: Thank you. North Carolina?

16 NORTH CAROLINA: Full vote.

17 TREVOR HAYES: North Dakota?

18 NORTH DAKOTA: Full vote.

19 TREVOR HAYES: Ohio?

20 OHIO: Half vote.

21 OHIO: Half.

22 TREVOR HAYES: And half vote too?

23 OHIO: Half vote, yeah.

24 TREVOR HAYES: Okay. I didn't hear you.

25

1       Sorry.

2               Oklahoma?

3               OKLAHOMA: Full vote.

4               TREVOR HAYES: Oregon?

5               OREGON: Full vote.

6               TREVOR HAYES: Pennsylvania?

7               PENNSYLVANIA: Full vote.

8               TREVOR HAYES: Rhode Island?

9               RHODE ISLAND: Full vote.

10              TREVOR HAYES: South Carolina?

11              SOUTH CAROLINA: Full vote.

12              TREVOR HAYES: South Dakota, no

13       representation.

14              Tennessee, Lori Lemaster?

15              TENNESSEE: Full vote.

16              TREVOR HAYES: Thank you.

17              Texas?

18              TEXAS: Full vote.

19              TREVOR HAYES: Utah?

20              UTAH: One-half.

21              UTAH: Half vote.

22              TREVOR HAYES: Thank you.

23              Vermont?

24              VERMONT: Full vote.

25



1           TREVOR HAYES:  Virginia?

2           VIRGINIA:  Half vote.

3           VIRGINIA:  Half vote.

4           TREVOR HAYES:  Thank you.

5           Washington?

6           WASHINGTON:  Full vote.

7           TREVOR HAYES:  West Virginia?

8           WEST VIRGINIA:  Full vote.

9           TREVOR HAYES:  Wisconsin?

10          WISCONSIN:  Half vote.

11          WISCONSIN:  One-half vote.

12          TREVOR HAYES:  Wyoming?

13          WYOMING:  Full vote.

14          TREVOR HAYES:  District of Columbia?

15          DISTRICT OF COLUMBIA:  A strong half vote.

16          TREVOR HAYES:  Thank you.

17          And Puerto Rico?

18          PUERTO RICO:  Half vote.

19          FROM THE FLOOR:  There should be a change

20          on the roster that Mr. Hoffner from Delaware is the

21          delegate; it should be switched to Maida Graves.

22          TREVOR HAYES:  The delegate from Delaware

23          is Maida Graves in place of Robert Hoffner.  Thank

24          you.

25

1           While I present the rest of my report, our  
2 parliamentarians will ascertain what constitutes a  
3 majority and what constitutes two-thirds for the  
4 voting that will ensue.

5           My report to the assembly is as follows:

6 There are 435 registrants at this conference meeting.  
7 Our previous highest attendance figure was 353. We  
8 have a total of 59 delegates here today representing  
9 48 states, the District of Columbia and one  
10 territory. Our year end final financial report  
11 ending December 31, 2005, reflects a balance in our  
12 treasury of \$110,109.

13           Caucus elections to fill positions on the  
14 executive board this year resulted in the following  
15 members being named: In the state regulatory  
16 category, from the southwest for a term extending to  
17 2012, Mary Glassburner from Kansas Health; state  
18 regulatory northeast 2012 term, Barbara Gerzonich, a  
19 returning board member, New York Health; local  
20 regulatory from the Midwest, also 2012, Jeff  
21 Luedemen, returning board member Bloomington,  
22 Minnesota; southeast 2012 new member Bill Hardester  
23 from Mecklenburg County Health in North Carolina.

24           In the industry caucus we have in food  
25

1 service for a term until 2012 John Gurrisi from  
2 Darden Restaurants, Orlando, Florida; also from  
3 industry in the food store category, 2012, Cory  
4 Hedman, returning board member from Hannaford  
5 Brothers, Scarborough, Maine; and industry-at-large  
6 filling the remaining two years of a six-year term is  
7 Larry Kohl from Walt Disney World Lake Buena Vista,  
8 Florida.

9 In addition, our executive board has  
10 affirmed the appointment of the following members to  
11 the position of Council Vice Chair; Council I, Pam  
12 Williams from Young Brands, Incorporated; Council II,  
13 Aggie Hale, Florida Agriculture; and Council III, Ken  
14 Rosenwinkel, Jewel-Osco/Albertsons.

15 I would like to at this time also advise  
16 you that our 2008 conference meeting will be held  
17 April the 11th through the 16th, 2008, at the Omni in  
18 San Antonio, Texas. Please mark these dates on your  
19 calendar and plan to attend. They are also posted on  
20 the conference website at [Foodprotect.org](http://Foodprotect.org). I  
21 encourage you to develop a habit of checking the  
22 website for news and information updates.

23 The meeting minutes of the 2004 meeting of  
24 this assembly have been distributed. Madam Chair,

25

1 will you entertain a motion to waive the reading of  
2 these minutes, please?

3 THE CHAIR: I ask for a motion now to  
4 waive the reading of the minutes of the 2004  
5 conference.

6 FROM THE FLOOR: So move.

7 THE CHAIR: Is there a second?

8 FROM THE FLOOR: Second.

9 THE CHAIR: Is there discussion? Then all  
10 those in favor of waiving the reading of the minutes  
11 of the 2004 conference, state so by saying aye.

12 FROM THE FLOOR: Aye. Those opposed?

13 Motion carried.

14 TREVOR HAYES: Thank you, Madam Chairman.  
15 I have something to read briefly here. A quorum must  
16 be present. A quorum is defined as the presence of  
17 registered voting delegates from at least two-thirds  
18 of the states with designated official delegates in  
19 attendance at this conference meeting. Each  
20 territory in the District of Columbia shall count as  
21 one-half a state in constituting a quorum. A  
22 two-thirds majority is required to change a procedure  
23 adopted at a previous conference or to make changes  
24 in the constitution and bylaws. Other actions

25

1 require a simple majority; yes, no, and abstain are  
2 the votes. A Council recommendation cannot be  
3 changed. Votes are kept by voice or by a show of  
4 hands by the voting delegates. Roll call votes are  
5 taken only if requested by a delegate. Thank you.

6 THE CHAIR: Thank you, Trevor.

7 I need to give you some instructions now  
8 as to the conduct of the assembly. The first item  
9 that I'd like to bring to your attention is that it  
10 is absolutely necessary that you turn your pagers,  
11 your telephones or other electronic communication  
12 devices to either mute or vibrate so as to not disrupt  
13 this voting delegate session.

14 Okay. The second item that I'd like to  
15 ask of you is that you please try not to leave the  
16 room during voting.

17 Now, the next set of information I need to  
18 give to you I need you to pay careful attention to.  
19 If a delegate wishes to make a motion or speak to an  
20 issue, you must come to the microphone, or in the  
21 absence of coming to the microphone and standing  
22 where you are, you must speak loudly and clearly so  
23 as to be audible for our stenographer. You must,  
24 however, state your name and affiliation for the

25

1 record. The Chair, me, will then recognize you.

2 If someone in the audience who is not a  
3 voting delegate wishes to speak to an issue, a state  
4 delegate must come to the microphone, or stand, as it  
5 were, where you are and yield the floor to you. The  
6 non-delegate then must state your name and  
7 affiliation for the record, and again the Chair will  
8 recognize you.

9 Now, traditionally in past delegate  
10 sessions, to keep the meeting moving the length of  
11 time for debate has been limited. If it is the will  
12 of the delegates to do so during this session, I will  
13 now entertain a motion to that effect.

14 DEBORAH MARLOW (TEXAS): Deborah Marlow  
15 from Texas. I move to limit the total amount for  
16 debate to ten minutes with no more than two minutes  
17 per speaker.

18 THE CHAIR: Okay. Is there a second?

19 FROM THE FLOOR: Second.

20 THE CHAIR: Okay. So moved. Is there any  
21 discussion?

22 Okay. Well, then the limit for debate has  
23 been set to a total of ten minutes, presumably  
24 starting with the person who requested the extraction  
25

1 speaking first for no more than two minutes, followed  
2 by subsequent speakers, each limited to two minutes,  
3 so forth and so on, debate or discussion ending at  
4 precisely 10 minutes on that issue.

5 Are there any questions on this set of  
6 instructions? Okay. With that, then I'll turn the  
7 podium over to our parliamentarians for some further  
8 instructions.

9 PARLIAMENTARIAN KRAKOWSKI: Good morning,  
10 Madam Chair, delegates and my fellow conference  
11 members. Congratulations on a great conference. I  
12 just wanted to go over some of the processes that  
13 we'll be using today for voting.

14 The Chair will begin to invite Council  
15 chairs to the podium and Council chairs will give  
16 their reports in order. They will then give their  
17 reports in two parts. The first part will be the  
18 issues that were accepted or accepted as amended; and  
19 then the second part will be the issues where no  
20 action is recommended by the Council. At that time,  
21 the Chair will ask if there are any issues from that  
22 Council report that they wish to extract.

23 If there's a delegate that wishes to  
24 extract an issue, he or she will come to the  
25

1 microphone or audibly state their name and the issues  
2 that they would like to extract. And that will  
3 continue until all the issues from that Council's  
4 report are extracted.

5           At that time, the Conference Chair will  
6 entertain a motion to accept all of the issue  
7 recommendations from that Council's report, and there  
8 will be a vote. After that is done, each extracted  
9 issue will be considered by the assembly. And the  
10 time limits have, in fact, been identified.

11           What will happen is that when the  
12 extracted issues are considered, the Chair will  
13 announce, "I will entertain a motion to accept the  
14 Council recommendation for issue," and then state the  
15 extracted issue number. And so the person who  
16 extracted ideally would come to the microphone and  
17 make that motion, and then there is a requirement to  
18 have a second, and then there will be the discussion.

19           All of the issues related to bylaws and  
20 procedures are automatically extracted from the  
21 Council II report. And the Council Chair will  
22 entertain a motion to consider all of the bylaws  
23 changes in a single vote. The reason why the bylaws  
24 and procedures are automatically extracted, because  
25



1 they require a two-thirds vote. All other issues  
2 that come before us today require -- regular votes  
3 are a simple majority which is 50 percent. The  
4 simple majority today will be 25 votes and the  
5 two-thirds vote will be 33.

6 And thank you very much. Have a great  
7 deliberation.

8 THE CHAIR: I need to correct one item as  
9 a point of order. I didn't actually take your vote  
10 on the time limit, so I'll go back and do that now.  
11 All those in favor of limiting the debate to ten  
12 minutes with a total debate time of two minutes per  
13 speaker, state so by saying yes.

14 FROM THE FLOOR: Yes.

15 THE CHAIR: Those opposed, please state so  
16 by saying no. Motion carried. We will limit the  
17 debate to two minutes -- to ten minutes with two  
18 minutes per speaker as recommended.

19 Okay. With that then, Frank, will you  
20 please give us the report for Council I.

21 FRANK YIANNAS: Good morning, Madam Chair.  
22 It was a great honor for me to serve as Chair of  
23 Council I, and on behalf of my Vice Chair, Lee  
24 Cornman, and Council members, I would like to submit

25

1 Part 1 of the Council I report.

2 For Part 1 of the report, we have the 13  
3 issues accepted as submitted; 15 issues accepted as  
4 amended; and we have one minor correction for the  
5 record. If I turn your attention to Issue 1-023, the  
6 last item in that issue, No. 2, needs to be stricken  
7 from the record. That same language appears on  
8 Issue 1-022, and that's the correct location.

9 THE CHAIR: Okay. Thank you, Frank. Does  
10 anyone wish to extract an issue from Part 1 of  
11 Council I?

12 DAVE REID (MINNESOTA): My name is Dave  
13 Reid. I'm with the Minnesota Department of  
14 Agriculture, and I would like to extract Issue 1-18.

15 THE CHAIR: Thank you. Does anyone wish  
16 to extract another issue?

17 Hearing none, then I will now entertain a  
18 motion to accept the Council I report --

19 ERNEST JULIAN (RHODE ISLAND): I would  
20 like to extract Issue 1 also. Ernest Julian with  
21 Rhode Island Department of Health.

22 THE CHAIR: Okay. Does anyone wish to  
23 extract another issue from Council I report from  
24 Part 1?

25

1           PATRICK GUZZLE (IDAHO): Patrick Guzzle,  
2 Idaho Department of Health and Welfare. I'd like to  
3 extract Issue 1-023.

4           THE CHAIR: Does anyone wish to extract  
5 another issue?

6           Okay. Then hearing no others, I will now  
7 entertain a motion to accept the Council I report  
8 minus the extracted issues.

9           DAVID LUDWIG (ARIZONA): Madam Chair,  
10 David Ludwig, state of Arizona. I move that we  
11 approve the remaining issues for passing.

12          THE CHAIR: Is there a second?

13          PADRAIC JUAREZ (FLORIDA): Second.

14          THE CHAIR: So moved. Is there any  
15 discussion? Then all those in favor of accepting the  
16 report of Council I -- are there any abstentions?  
17 Okay. All those in favor of accepting the report of  
18 Council I minus the extracted issues, please indicate  
19 so by saying yes.

20          FROM THE FLOOR: Yes.

21          THE CHAIR: All those opposed, please  
22 indicate so by saying no. The motion carries.  
23 Part 1 of the report is accepted then except for the  
24 extracted issues.

25

1           Okay. For no particular reason, I'm going  
2 to take the extracted issues in the order of their  
3 request, okay. Then I will now entertain a motion to  
4 accept the Council recommendation for Issue 1-18.

5           DAVE REID (MINNESOTA): My name is Dave  
6 Reid, again, with the Minnesota Department of  
7 Agriculture, and I would like to yield the floor to  
8 Lorna Girard.

9           THE CHAIR: I'm actually still waiting for  
10 the motion before we go into discussion.

11          DAVE REID (MINNESOTA): So move.

12          THE CHAIR: Is there a second?

13          ERNEST JULIAN (RHODE ISLAND): Second.

14          THE CHAIR: Now, is there any discussion  
15 now? Okay. With the reminder that the agreed upon  
16 time limit for discussion is ten minutes or two  
17 minutes procedure.

18          FROM THE FLOOR: I'd like to yield the  
19 floor to Lorna Girard.

20          THE CHAIR: The Chair then recognizes  
21 Lorna Girard.

22          LORNA GIRARD (MINNESOTA): My name is  
23 Lorna Girard, and I'm with the Minnesota Department  
24 of Agriculture, and I believe Issue 1-001 and 1-018

25

1 were combined with the language that prevails in  
2 1-018. And I would like to recommend a no vote to  
3 the delegates.

4 This issue or a similar issue was  
5 discussed in 2004, and that was Issue 026, as far as  
6 eliminating floor drains in walk-in coolers. It  
7 passed. It ended up it did go into the 2005 food  
8 code as negotiated and they negotiated this with the  
9 planning committee. And that actually went to  
10 Section 5-402.11(B). So floor drains have been  
11 eliminated in walk-in coolers.

12 If this proposal to say equipment does not  
13 include refrigerated spaces that are constructed as  
14 an integral part of the building goes through, it  
15 also means that other equipment requirements will not  
16 apply. And that would be for such as 4-101.19,  
17 non-food contents construction; 4-301.11, cooling,  
18 heating, holding capacities; 4-501.11, good repair  
19 and proper adjustment. So with this exclusion of  
20 walk-in coolers as a piece of equipment, there are  
21 other provisions that will also be affected. Thank  
22 you.

23 THE CHAIR: Thank you. Does anyone else  
24 wish to speak to this issue?

25

1 Point of order, will someone yield the  
2 floor.

3 DEBORAH MARLOW (TEXAS): Deborah Marlow,  
4 Texas Department of Health, yielding to Larry  
5 Edwards --

6 THE CHAIR: Would you state your name for  
7 the record.

8 DEBORAH MARLOW (TEXAS): Deb Marlow from  
9 Texas.

10 LARRY EDWARDS: My name is Larry Edwards  
11 from the Food and Marketing Institute.

12 THE CHAIR: Chair recognizes Mr. Edwards  
13 then.

14 LARRY EDWARDS: Thank you very much.

15 This issue was put forth as a follow-up to  
16 the original recommendation to the conference; that  
17 being not only to change in the code the appropriate  
18 places, but also a change in the definition.

19 At the 2004 conference, the Council then  
20 went through the deliberation process, and it was  
21 decided that the appropriate placement in the food  
22 code and annexes would be changed, but the definition  
23 was not attended to. It was our intent in submitting  
24 this issue to clarify further that floor drains in  
25

1 refrigerated places -- spaces should not be included  
2 as equipment, it should be addressed as part of the  
3 building, as floor drains and that back rooms or  
4 walls, floors and ceilings would be. So the intent  
5 was never to eliminate the refrigerated space from  
6 being addressed by other provisions of the code.

7           When it went through Council, the FDA  
8 presented their issues, and we all heard those, and  
9 but didn't feel that the intent of the issue was to  
10 eliminate all those other provisions, the code from  
11 addressing this issue.

12           Now, I know some people at the FDA -- I'm  
13 kidding -- but I was really hoping -- it went through  
14 Council, and it was passed, and I was hoping that the  
15 FDA could take that intent and then try and address  
16 that once they received the issue from the  
17 conference. Thank you.

18           THE CHAIR: Okay. Does anyone else wish  
19 to speak to this issue?

20           DAVE REID (MINNESOTA): This is Dave Reid  
21 with the Minnesota Department of Agriculture.

22           THE CHAIR: The Chair recognizes Mr. Reid.

23           DAVE REID (MINNESOTA): I would like to  
24 yield the floor to a speaker from FDA.

25

1                   SHIRLEY BOHM (FDA): This is Shirley Bohm  
2 from FDA.

3                   THE CHAIR: Chair recognizes Shirley Bohm.

4                   SHIRLEY BOHM (FDA): We recognize and  
5 appreciate the explanation from FMI that that was  
6 their intent, that we look at the intent, but the --  
7 the issue and recommendation as written doesn't give  
8 us the latitude to kind of go along with the intent.  
9 It was very clearly asked to change the definition,  
10 and as was explained earlier, that would have a big  
11 impact on other -- it would have other impacts. So  
12 we -- we believe that this should not be incorporated  
13 into the food code as written.

14                   THE CHAIR: Okay. Does anyone else wish  
15 to speak to the issue? No one else? Okay.

16                   Then we will now vote on this issue. All  
17 those in favor of accepting the Council  
18 recommendation on Issue 18 which was combined with  
19 Issue 1, please indicate so by saying yes.

20                   FROM THE FLOOR: Yes.

21                   THE CHAIR: All those opposed, indicate by  
22 saying no.

23                   FROM THE FLOOR: No.

24                   THE CHAIR: With that, then the motion is  
25



1       defeated.

2                   Are there any abstentions for the record?

3                   Okay. With that then I will entertain a  
4 motion to accept the Council recommendation for  
5 Issue 1-023. And if you'll state your name just for  
6 our stenographer as you're making the motion, that  
7 would be very helpful.

8                   PATRICK GUZZLE (IDAHO): Patrick Guzzle,  
9 Ohio Department of Health and welfare. So moved.

10                  THE CHAIR: Is there a second?

11                  DAVID LUDWIG (ARIZONA): Second.

12                  THE CHAIR: Is there then any discussion  
13 to this issue?

14                  PATRICK GUZZLE (IDAHO): Madam Chair,  
15 again, Patrick Guzzle, Idaho Department of Health and  
16 Welfare.

17                  This issue calls for allowing either  
18 manual ware-washing in sinks to be installed in a new  
19 establishment or mechanical dishwashing, not both. I  
20 think we would hopefully recognize that the best  
21 practice would be to have both three-compartment  
22 sinks or manual ware-washing in addition to  
23 mechanical ware-washing.

24                  If there is a situation whereby an  
25

1 establishment simply cannot meet that requirement,  
2 various provisions already do exist in the code  
3 whereby an establishment operator can request a  
4 variance to change that.

5           The reason that the state of Idaho feels  
6 this is an important issue, we have several rural  
7 areas in our state whereby an operator, assuming  
8 worse case scenario, power failure or other system  
9 failure in that mechanical ware-washing system that  
10 might be the only thing installed in that facility is  
11 not operable, it may take several hours, possibly  
12 several days, before that establishment can contact a  
13 sanitarian to have them come out and help them  
14 reestablish the operable -- operability of that  
15 mechanical ware-washing system. By presenting that  
16 possible time frame of several hours or possibly  
17 several days, it would require in the state of Idaho  
18 at least that that establishment close for that time  
19 when the mechanical ware-washing is not operable.

20           Rather than face the possibility of an  
21 adverse financial situation for the establishment,  
22 the state of Idaho recommends that the current  
23 language continue to exist and require both manual  
24 ware-washing as well as both mechanical ware-washing

25

1 in food establishments.

2 THE CHAIR: Thank you. Does anyone else  
3 wish to speak to this issue?

4 DAVE GIFFORD (WASHINGTON): Dave Gifford,  
5 state of Washington.

6 THE CHAIR: Chair recognizes Mr. Gifford.

7 DAVE GIFFORD (WASHINGTON): This issue was  
8 submitted because the code language as stated  
9 currently in the 2005 version does not explicitly say  
10 you need both sinks and mechanical dishwasher. It  
11 states that for manual dishwashing you need to have a  
12 three compartment sink and states that if you use  
13 mechanical dishwashing you need to follow  
14 manufacturers' instructions. But it does not state  
15 currently that you need both. So the issue was  
16 submitted to clarify that issue.

17 We don't feel like redundancy in this  
18 issue is necessarily required. It's not required in  
19 other issues. If there is a power failure, the place  
20 will close probably anyway due to other reasons. But  
21 at the very least, if we do vote down this issue,  
22 then it will remain unclear in the code, and maybe we  
23 just need to ask the FDA to clarify their position in  
24 the code otherwise. But we just want to make it

25

1 clear that if this issue is voted down, the issue  
2 will remain unclear in the code and states will  
3 interpret it both ways. Thank you.

4 THE CHAIR: Thank you. Does anyone else  
5 wish to speak to the issue?

6 PADRAIC JUAREZ (FLORIDA): Madam Chair,  
7 delegates, I'm Patrick Juarez from the state of  
8 Florida.

9 THE CHAIR: Chair recognizes Mr. Juarez.

10 PADRAIC JUAREZ (FLORIDA): Thank you. Our  
11 point on this particular issue is that we don't  
12 require redundancy anywhere else in the code on much  
13 more important systems. We don't require that there  
14 be an ice block refrigerator in there in case  
15 refrigeration goes down. We don't require a wood  
16 stove in case the microwaves don't work anymore.

17 We -- I think we all know that that's for  
18 foodborne illnesses occurring not so much coming from  
19 dishwashing as this is redundancy, and I don't  
20 believe anywhere in the public health reasonings does  
21 it mention why you have to have redundancy in this  
22 particular thing. I would encourage you to accept  
23 this issue. Thank you.

24 THE CHAIR: Thank you. Does anyone else  
25

1 wish to speak to the issue? Does someone wish to  
2 yield the floor --

3 DAVID LUDWIG (ARIZONA): I'd like to  
4 yield -- David Ludwig, state of Arizona. I'd like to  
5 yield to this person.

6 KEVIN SMITH (FDA): Morning. Kevin Smith,  
7 FDA.

8 THE CHAIR: Chair recognizes Mr. Smith.

9 KEVIN SMITH (FDA): The agency is happy to  
10 consider ways that 4.302-12 can be clarified. We  
11 believe that the recommended solution doesn't clarify  
12 the intent; rather, it changes the intent. We think  
13 that it is necessary for the food code to require an  
14 establishment be equipped to manually ware-wash its  
15 utensils that become soiled. The code currently does  
16 not require it done in systems. You don't have to  
17 have both manual ware-washing and mechanical, but you  
18 do need to be able to be capable of manually  
19 ware-washing the equipment that becomes soiled.

20 So while we will consider changes to make  
21 that more clear, we don't believe that the  
22 recommended solution where it establishes a rule of  
23 one or the other is the way to go. We do recognize  
24 that there are situations where an exception to that

25

1 rule is appropriate where you may be able to get by  
2 with just only a mechanical ware-washer, but that  
3 tends to be in situations where there's either very  
4 limited menus or very limited amount of utensils that  
5 become soiled. And in that situation we think a  
6 variance or a waiver to that requirement is  
7 appropriate. But, again, that should be the  
8 exception, not the rule. Thank you.

9 THE CHAIR: Thank you. Does anyone else  
10 wish to speak to this issue?

11 Okay. Hearing no one else, we will now  
12 vote on this issue. All those in favor of accepting  
13 the Council recommendation on Issue 1-023, please  
14 indicate so by saying yes.

15 FROM THE FLOOR: Yes.

16 THE CHAIR: All those opposed indicate so  
17 by saying no.

18 FROM THE FLOOR: No.

19 THE CHAIR: It sounds as though the no's  
20 have it, but for the record, are there abstentions  
21 that need to be documented?

22 BOB PANICO (OHIO): Bob Panico, Ohio  
23 Department of Agriculture. I would like to have a  
24 roll call.

25

1           PARLIAMENTARIAN GELFIUS: Mr. Ludwig, for  
2 clarification, were you in abstention?

3           DAVID LUDWIG (ARIZONA): No.

4           THE CHAIR: Mr. Gifford abstained.

5           PARLIAMENTARIAN GELFIUS: Sorry,  
6 Mr. Gifford abstained. Wrong Dave. I can't keep  
7 them apart.

8           FROM THE FLOOR: I was going to do what he  
9 did.

10          PARLIAMENTARIAN GELFIUS: For the record,  
11 were there any abstentions on the vote? Okay.

12          THE CHAIR: Thank you. We'll do a roll  
13 call vote now, and speak up so that we hear that  
14 you're definitely saying yes or no, and your state.

15          TREVOR HAYES: Okay. For the roll call,  
16 Alabama?

17          ALABAMA: No.

18          TREVOR HAYES: Alaska?

19          ALASKA: No.

20          TREVOR HAYES: Arizona?

21          ARIZONA: No.

22          TREVOR HAYES: Arkansas?

23          ARKANSAS: No.

24          TREVOR HAYES: California?

25

1 CALIFORNIA: No.

2 TREVOR HAYES: Colorado?

3 COLORADO: Yes.

4 TREVOR HAYES: Connecticut?

5 CONNECTICUT: No.

6 CONNECTICUT: No. Two half no's.

7 TREVOR HAYES: Thank you. Delaware?

8 DELAWARE: No.

9 TREVOR HAYES: Florida?

10 FLORIDA: Three-thirds yes.

11 TREVOR HAYES: Georgia?

12 GEORGIA: No.

13 TREVOR HAYES: Hawaii?

14 HAWAII: Yes.

15 TREVOR HAYES: Idaho?

16 IDAHO: No.

17 TREVOR HAYES: Illinois?

18 ILLINOIS: Yes.

19 TREVOR HAYES: Indiana?

20 INDIANA: Yes.

21 TREVOR HAYES: Iowa?

22 IOWA: Yes.

23 TREVOR HAYES: Kansas?

24 KANSAS: One-half yes.

25



1 KANSAS: One-half yes.

2 TREVOR HAYES: Kentucky?

3 KENTUCKY: No.

4 TREVOR HAYES: Louisiana, not here.

5 Maine?

6 MAINE: No.

7 TREVOR HAYES: Maryland?

8 MARYLAND: No.

9 TREVOR HAYES: Massachusetts?

10 MASSACHUSETTS: No.

11 TREVOR HAYES: Michigan?

12 MICHIGAN: Yes.

13 TREVOR HAYES: Minnesota?

14 MINNESOTA: Half no.

15 MINNESOTA: One-half no.

16 TREVOR HAYES: Mississippi?

17 MISSISSIPPI: No.

18 TREVOR HAYES: Missouri?

19 MISSOURI: No.

20 TREVOR HAYES: Montana?

21 MONTANA: No.

22 TREVOR HAYES: Nebraska?

23 NEBRASKA: Yes.

24 TREVOR HAYES: Nevada?

25

1 NEVADA: No.

2 TREVOR HAYES: New Hampshire?

3 NEW HAMPSHIRE: No.

4 TREVOR HAYES: New Jersey?

5 NEW JERSEY: No.

6 TREVOR HAYES: New Mexico?

7 NEW MEXICO: No.

8 TREVOR HAYES: New York?

9 NEW YORK: One-half no.

10 NEW YORK: One-half no.

11 TREVOR HAYES: North Carolina?

12 NORTH CAROLINA: No.

13 TREVOR HAYES: North Dakota?

14 NORTH DAKOTA: No.

15 TREVOR HAYES: Ohio?

16 OHIO: One-half yes.

17 OHIO: One-half yes.

18 TREVOR HAYES: Oklahoma?

19 OKLAHOMA: Yes.

20 TREVOR HAYES: Oregon?

21 OREGON: No.

22 TREVOR HAYES: Pennsylvania?

23 PENNSYLVANIA: Yes.

24 TREVOR HAYES: Rhode Island?

25

1           RHODE ISLAND: No.

2           TREVOR HAYES: South Carolina?

3           SOUTH CAROLINA: No.

4           TREVOR HAYES: South Dakota not here.

5           Tennessee?

6           TENNESSEE: No.

7           TREVOR HAYES: Texas?

8           TEXAS: Yes.

9           TREVOR HAYES: Utah?

10          UTAH: One vote no.

11          TREVOR HAYES: Vermont?

12          VERMONT: No.

13          TREVOR HAYES: Virginia?

14          VIRGINIA: One-half no.

15          VIRGINIA: One-half no.

16          TREVOR HAYES: Washington state?

17          WASHINGTON: Yes.

18          TREVOR HAYES: West Virginia?

19          WEST VIRGINIA: No.

20          TREVOR HAYES: Wisconsin?

21          WISCONSIN: One-half yes.

22          WISCONSIN: One-half yes.

23          TREVOR HAYES: Wyoming?

24          WYOMING: Yes.

25

1           TREVOR HAYES: DC?

2           DISTRICT OF COLUMBIA: No.

3           TREVOR HAYES: Puerto Rico?

4           PUERTO RICO: No.

5           PARLIAMENTARIAN KRAKOWSKI: The vote was

6           33 no and 16 yes. So...

7           THE CHAIR: All right. Then with that,  
8           the motion to accept the Council recommendation for  
9           Issue 1-023 is defeated.

10           Okay. Then will you please give us the  
11           report for Part 2 of Council I?

12           FRANK YIANNAS: Yes, Madam Chair. For  
13           Part 2 of our report, there were 14 issues and  
14           Council II recommended no action.

15           THE CHAIR: Okay. Does anyone wish to  
16           extract an issue from Part 2 of Council I? Okay.

17           DAVE GIFFORD (WASHINGTON): Madam Chair?

18           THE CHAIR: Mr. Gifford.

19           DAVE GIFFORD (WASHINGTON): Clarification.  
20           Did we defeat both 118 and 11 in the same action?

21           THE CHAIR: Because they were combined,  
22           yes.

23           DAVE GIFFORD (WASHINGTON): Thank you.

24           THE CHAIR: Hearing then no requests for  
25

1 extractions from Part 2 of the report for Council I,  
2 I will now entertain a motion to accept Council I  
3 report for Part 2.

4 FROM THE FLOOR: So move.

5 THE CHAIR: Is there a second?

6 FROM THE FLOOR: Second.

7 THE CHAIR: Okay. Is there discussion?

8 Then all those in favor of accepting the report of  
9 Council I, Part 2, please state so by saying yes.

10 FROM THE FLOOR: Yes.

11 THE CHAIR: Those opposed state so by  
12 saying no.

13 Any abstentions? Okay. Then Part 2 of  
14 the report for Council I is accepted. Thank you,  
15 Frank.

16 Okay. Then, Vicki, if you would please  
17 give us the report for Council II.

18 VICKI EVERLY: Thank you, Madam Chair. It  
19 has been an honor and a privilege to have served as  
20 Council II Chair during the past two years. I'd like  
21 to extend a public note of thanks to your Council  
22 Vice Chair, John Gurrisi, our Parliamentarians,  
23 scribes, and of course our Council members. All did  
24 their part in making our deliberations within  
25

1 Council II a very positive experience.

2 In total, Council II deliberated 45  
3 issues; 15 of those were accepted as submitted, 25  
4 were accepted as amended. The issues submitted by  
5 the CFP constitution and bylaws committee are  
6 automatically extracted as they require a two-thirds  
7 vote, and as the Parliamentarian stated, he requested  
8 that I request a motion to consider Issues 2-001  
9 through Issues 2-010 as a single motion.

10 SCOTT GILLIAM (INDIANA): Madam Chair --

11 THE CHAIR: Yes.

12 SCOTT GILLIAM (INDIANA): Scott Gilliam  
13 from Indiana. I request a motion to consider all the  
14 motions 1 through 10 as a group.

15 THE CHAIR: Is there a second?

16 LINDA WHALEY (WEST VIRGINIA): Second.

17 THE CHAIR: Thank you. Any abstentions?  
18 With that then when we come to the extractions we'll  
19 consider 2-01 through 2-010 collectively. Thank you.

20 Pardon me. Too much coffee this morning.  
21 All those in favor of considering -- is there any  
22 discussion again? Then all those in favor of  
23 considering Issues 2-01 through 2-010 collectively  
24 when extracted state so by saying aye -- I'm sorry,  
25

1     yes.

2                   FROM THE FLOOR:   Yes.

3                   THE CHAIR:   Those opposed indicate so by  
4     saying no.   Any abstentions?   Then when we come to  
5     the extractions we'll consider them for later.   Thank  
6     you, Vicki.

7                   All right.   Then with that then I will now  
8     entertain a motion to accept the Council II report.  
9     Are there any requests for extractions from  
10    Council II other than the 10 automatically extracted  
11    items?

12                   RONALD KLEIN (ALASKA):   Yes.   2-039.

13                   PARLIAMENTARIAN GELFIUS:   Mr. Klein, would  
14    you identify yourself, please.

15                   RONALD KLEIN (ALASKA):   Yes, Ron Klein,  
16    state of Alaska, request extraction of 2-039.

17                   THE CHAIR:   Are there other requests for  
18    extractions?   Okay.

19                   Point of order, I need to dispense with  
20    the 1 through 10 first, if that's okay with you.  
21    Okay.   Then I will now entertain a motion to accept  
22    the Council recommendation for Issues 2-01 through  
23    2-010 collectively.

24                   FROM THE FLOOR:   So move.

25

1 THE CHAIR: Is there a second?

2 FROM THE FLOOR: Second.

3 THE CHAIR: Any discussion? All those  
4 then in favor of accepting the Council recommendation  
5 on Issues 01-010, please state so by saying yes.

6 FROM THE FLOOR: Yes.

7 THE CHAIR: Those opposed indicate so by  
8 saying no. Any abstentions? Then the Council  
9 recommendation for Issues 010 through 010 -- 01  
10 through 010 carries.

11 Okay. Yes, sir?

12 RONALD KLEIN (ALASKA): Ron Klein, state  
13 of Alaska --

14 PARLIAMENTARIAN KRAKOWSKI: Excuse me,  
15 Madam Chair. I think that what we need to do is we  
16 need to request a motion to bring it to the table.

17 THE CHAIR: Okay. Just one point of  
18 order, sir, then -- I will now entertain a motion to  
19 accept the Council recommendation on Issue 2-039.

20 PATRICK GUZZLE (IDAHO): So move.

21 THE CHAIR: Is there a second?

22 RONALD KLEIN (ALASKA): Second.

23 THE CHAIR: Is there any -- now, is there  
24 any discussion?

25



1           RONALD KLEIN (ALASKA): Thank you. Ron  
2 Klein, state of Alaska. Regulatory Program Standard  
3 No. 2 is a training standard. Issue 2-039 is a  
4 hiring standard. Hiring is a prerogative of state,  
5 local and federal authorities. The issue  
6 unequivocally states that a bachelor's degree shall  
7 be a prerequisite to starting a training and  
8 certification process which is embodied in the  
9 program Standard No. 2.

10           This interferes with the training process.  
11 For example, a jurisdiction that hires college  
12 interns would not be compliant with the standard if  
13 it elected to begin the training process prior to an  
14 individual receiving their degree.

15           Finally, unless a person is on a public  
16 state registry, it is questionable whether a state  
17 compliance with a proposed hiring standard could even  
18 be audited. State privacy laws require information  
19 used in the hiring process such as CRNTRP (phonetic)  
20 be held confidential. It very well may be illegal to  
21 release them to a third-party auditor to assess  
22 whether a person has the requisite semester quarter  
23 hours in science.

24           THE CHAIR: Is there further discussion?  
25

1           PAUL PANICO (OHIO): Paul Panico, Ohio  
2 Department of Agriculture.

3           THE CHAIR: Chair recognizes Mr. Panico.

4           PAUL PANICO (OHIO): I recognize the  
5 importance of education, but I also need to  
6 incorporate the experience factor as well. I oppose  
7 this issue.

8           In Ohio in order to be a registered  
9 sanitarian you must have a degree. However, we do  
10 have grandfather registered sanitarians within the  
11 state of Ohio who do not have degrees. My concern  
12 with this issue is that it will limit our ability as  
13 managers to hire or utilize qualified and experienced  
14 staff who are registered sanitarians. Experienced  
15 sanitarians will not be able to switch a position  
16 within either an agency or between agencies without  
17 jeopardizing meeting the FDA standards.

18           An example which is an analogy to  
19 something we are currently experiencing within our  
20 state in our contract inspection program that we have  
21 with FDA, FDA has indicated to us that we must -- our  
22 staff doing contract inspections must meet their  
23 educational requirements.

24           I have 16 staff in the field, all of which  
25

1 have done FDA inspections in the past. Not all of  
2 them meet the FDA educational requirements; however,  
3 they are registered sanitarians.

4 FDA has allowed me to utilize the staff  
5 who are currently doing the FDA inspections; however,  
6 those staff who used to do the inspections a couple  
7 of years ago will not be permitted to do those  
8 inspections because even though they are an RS within  
9 Ohio, they don't have the educational background.  
10 It's a limitation of my ability to utilize staff that  
11 I currently have on board.

12 It will also jeopardize local Health  
13 Department sanitarians who are grandfathered RS's to  
14 move within their agency. If they are a generalist  
15 in one agency and wish to go to another agency as a  
16 food person, moving to that agency may jeopardize  
17 that other agency's standards with FDA. So I  
18 recommend that we oppose this issue. Thank you.

19 THE CHAIR: Thank you.

20 BECKY VIGUE (MAINE): Good morning, Madam  
21 Chair. This is Becky Vigue from the state of Maine.

22 THE CHAIR: Chair recognizes Ms. Vigue.

23 BECKY VIGUE (MAINE): Thank you. Maine is  
24 striving to build a quality food safety program

25

1 worthy of achieving compliance with the FDA voluntary  
2 national retail food regulatory program standards.

3 After much consideration, I remain unconvinced that  
4 the four-year baccalaureate science degree at issue  
5 here must be the sole prerequisite to becoming a  
6 trained and certified inspection officer in a quality  
7 food safety program. The state of Maine's hiring  
8 practices recognize that other professional  
9 qualifications, including medical, military, legal  
10 and computer backgrounds, as well as comparable  
11 inspection investigative experience, can afford  
12 excellent professional foundational equivalence to  
13 the bachelor's of science degree.

14 If a bachelor's of science becomes the  
15 sole prerequisite training standard, Maine will not  
16 only not achieve this standard, it will be less  
17 motivated to do so. Educational degrees are worthy  
18 goals, but should not be the sole prerequisite of  
19 competency training standards that excludes already  
20 competent professionals. Thank you.

21 THE CHAIR: Thank you.

22 PATRICK GUZZLE (IDAHO): Patrick Guzzle,  
23 Idaho Department of Health and Welfare.

24 THE CHAIR: Chair recognizes the delegate  
25

1 from Ohio.

2 PATRICK GUZZLE (IDAHO): Idaho.

3 THE CHAIR: Idaho.

4 PATRICK GUZZLE (IDAHO): Common mistake.

5 State Delegates, I have struggled with  
6 this issue for the past several hours. On one hand,  
7 I also recognize the value and significant importance  
8 that education and training play. On the other hand,  
9 I represent a state which was the first state to have  
10 all of its health jurisdictions enrolled in the  
11 program standards. We've been enrolled now for  
12 several years.

13 We are making significant strides in  
14 meeting those standards. In spite of the advancement  
15 we are making on the standards, there has been and  
16 continues to be somewhat of an opposition with some  
17 of our local health districts in relationship to how  
18 exactly a standard is to be met; however, with that  
19 opposition, or at least concerns that have been  
20 voiced, we are still making strides.

21 We recognize the program standards to be a  
22 measuring stick by which to account or by which to  
23 have a program of accountability for our own retail  
24 food program in Idaho. We are pleased with the

25

1 results we are seeing. We believe that we have a  
2 very high quality program. However, I do not believe  
3 that the standards should be the instrument to  
4 dictate to us as regulatory health professionals what  
5 our educational background must be.

6           And the way that it's worded, the food  
7 safety inspection officer shall have a bachelor's  
8 degree with 30 semester or 45 quarter hours, I think  
9 the intent is good, but the word "shall" presents a  
10 problem. I think that this will create opposition  
11 for other jurisdictions in trying to enroll in the  
12 standards. Having gone through several of the  
13 standards myself, I would hate to see that happen  
14 because the standards are an excellent tool to use to  
15 evaluate our programs. Because of that, state of  
16 Idaho recommends opposition on this issue.

17           THE CHAIR: Thank you.

18           PRESCILLA NEVES (MASSACHUSETTS): Prescilla  
19 Neves, Massachusetts Department of Public Health.

20           THE CHAIR: Chair recognizes Ms. Neves.

21           PRESCILLA NEVES (MASSACHUSETTS): Thank  
22 you, Madam Chair. First and foremost, I'd like to my  
23 fellow delegates to say I consider this an honor to  
24 work with each and every one of you regardless of our  
25

1 differences, and I respectfully request that you  
2 consider accepting Council II's wisdom, insight and  
3 decision to support a basic college level education  
4 requirement for food safety inspection officers. The  
5 Health inspector, the sanitarian, the food inspector,  
6 whatever you want to call us, is the person who is  
7 directly working in the field with industry every  
8 day. That is the face of our profession. And they  
9 are the ones who are ultimately going to determine  
10 the success of each inspection or investigation.  
11 They are going to determine the success of the  
12 jurisdiction's retail food inspection program and the  
13 ability of that program to respond to food  
14 emergencies, including outbreaks; and they are also  
15 going to determine the level of consumer confidence  
16 in our country's retail food industry.

17           The regulatory retail food safety  
18 inspection in the country right now is broken. The  
19 lack of knowledge and professionalism in retail food  
20 inspectors is one of our biggest complaints and  
21 jeopardizes the integrity of our system. It's  
22 painful to me when people in the profession are  
23 defined by the media and perceived by the public and  
24 some of our own colleagues in food safety as being  
25

1 the equivalent to Larry the cable man health  
2 inspector. It is broken when we care more about the  
3 program and the process than we do for the  
4 individuals.

5           It's unfair to let people assume that they  
6 can be true potters in food safety without a basic  
7 college level education that's going to provide them  
8 with a solid foundation to build their knowledge,  
9 their skills, their abilities relating to conducting  
10 food safety assessments and evaluating the complex  
11 food systems that are required to investigate  
12 foodborne illness, to communicate with industry, the  
13 consumers, the media, the public, the healthcare  
14 providers, and encouraging active managerial control  
15 and participating in the development of appropriate  
16 policy and regulations.

17           This is an opportunity for us to take a  
18 leadership role, to challenge the process and send a  
19 message to the consumer, to our public health  
20 officials, to our politicians --

21           PARLIAMENTARIAN GELFIUS: Ms. Neves, it's  
22 with great pain that I must tell you you're out of  
23 time.

24           PRESCILLA NEVES (MASSACHUSETTS): Okay.

25



1 Then vote yes. Thank you.

2 (Applause.)

3 THE CHAIR: Do we still have time in the  
4 ten minutes remaining?

5 PARLIAMENTARIAN GELFIUS: Yes, we do.

6 THE CHAIR: Is there anyone else?

7 CHRIS GORDON (DC): Yes, Madam  
8 Chairperson. Chris Gordon with the District of  
9 Columbia would like to yield to the National  
10 Restaurant Association.

11 DONNA GARREN (NRA): Thank you. Donna  
12 Garren with National Restaurant Association. And I'm  
13 not sure I can really duplicate Prescilla's  
14 passionate plea to support this issue.

15 I do know that this has been an issue, an  
16 ongoing issue, for the conference for close to 12  
17 years now. And as an association and those that are  
18 inspected by your professionals, we do support any  
19 effort by the regulatory community to improve and  
20 enhance their education level and professionalism.  
21 So thank you.

22 THE CHAIR: Thank you.

23 SANDRA CRAIG (SOUTH CAROLINA): Sandra  
24 Craig, South Carolina Department of Health and

25

1 Environmental Control. I will be brief.

2 I would just like to ask us to slow this  
3 process down. I am for education. I am for going  
4 for this goal. But we just got these wonderful  
5 Standard 2 training standards to work with. Can't we  
6 at least give it a couple of years to go? Let's run  
7 the pilot program that John was talking about  
8 yesterday. Let's let us use this training tool for a  
9 year or two. Then if we want to come back in 2008  
10 and put this high bar up there, do it then. But  
11 South Carolina has not signed up for the standards  
12 yet, and this would discourage us from signing up for  
13 Standard 2.

14 THE CHAIR: Thank you.

15 PARLIAMENTARIAN GELFIUS: Madam Chair, the  
16 time for this discussion has expired.

17 THE CHAIR: Thank you. Our ten minutes  
18 has lapsed.

19 DAVE GIFFORD (WASHINGTON): Can we  
20 recommend an extension?

21 PARLIAMENTARIAN GELFIUS: You can make a  
22 motion for an extension.

23 DAVE GIFFORD (WASHINGTON): I make a  
24 motion for an extension.

25

1 FROM THE FLOOR: Second.

2 THE CHAIR: Is there any discussion on  
3 that motion? We will take a vote. All those in  
4 favor of extending the period of debate for  
5 another --

6 PARLIAMENTARIAN GELFIUS: Another ten  
7 minutes.

8 THE CHAIR: -- for another ten minutes,  
9 state so by saying yes.

10 FROM THE FLOOR: Yes.

11 THE CHAIR: Those opposed say no.

12 FROM THE FLOOR: No.

13 THE CHAIR: Whoa.

14 PARLIAMENTARIAN GELFIUS: The yes's have  
15 it, I believe.

16 THE CHAIR: Okay. We'll extend the period  
17 of debate for another ten minutes beginning now, with  
18 the gentleman on my left.

19 DAVE REID (MINNESOTA): My name is David  
20 Reid with the Minnesota Department of Agriculture,  
21 and I would like to yield the floor to Larry Edwards.

22 THE CHAIR: Chair recognizes Mr. Edwards.

23 LARRY EDWARDS: Thank you very much, Madam  
24 Chair, and thank you to both the first and second.

25

1           I won't take long. But at FMI we  
2 recognize the hard work of the FDA and the  
3 accomplished food protection on this issue, and on  
4 these standards that have been placed. These are  
5 voluntary standards. We recognize that. We  
6 understand that a jurisdiction may or may not elect  
7 to enroll in the standards or may or may not elect to  
8 take on the standard until they are ready. But they  
9 are voluntary standards, and we believe that these  
10 are gold standards.

11           It reads in the resolution that this is  
12 for new food safety inspection officers, and so I  
13 think that's -- again, this is the gold standard. It  
14 is out there for all of us to reach to. And we in  
15 the retail food industry would like those people  
16 walking in the door to have that education. We can  
17 talk on the same level about the risk factors and  
18 many other things as previously stated.

19           These standards are not to be accomplished  
20 overnight, but much over time, and I think they are a  
21 very positive stroke coming out of this conference,  
22 and we support the education and the training and we  
23 support this issue. Thank you.

24           THE CHAIR: Thank you.

25

1           JAMES BLOOM (ILLINOIS): Jim Bloom with  
2 the state of Illinois. I'll make it quick, I  
3 promise.

4           For several years Illinois has had a  
5 requirement for both registration and a requirement  
6 for a bachelor's degree. This year the legislators  
7 have allowed the registration act to be sunsetted so  
8 it will be eliminated. Now that they removed the  
9 registration, then they will eliminate the bachelor's  
10 degree requirement.

11           If we have the national standards as a  
12 requirement for a bachelor's degree, this will help  
13 provide the support that we need, and this will help  
14 sell this to the legislators as something that,  
15 again, I feel has been going on for quite a few  
16 years, and I know for the last two sessions with the  
17 conference this has come up. So I basically am just  
18 asking for people to vote yes on this.

19           THE CHAIR: Thank you. For the line on  
20 the left, I'd like to acknowledge the persons who  
21 have not spoken to the issue first before those who  
22 have already spoken to the issue.

23           COLLEEN PAULUS (MINNESOTA): Colleen  
24 Paulus, Department of Health in Minnesota. I would  
25

1 like to correct the previous speakers' perception  
2 that the issue does not grandfather in existing  
3 employees. The issue does recognize existing  
4 employees and does not have requirement for  
5 bachelor's degree. So I just wanted to make sure  
6 that people understood that there is a grandfathering  
7 clause in the issue.

8 In addition, since we've been here  
9 debating this issue at the conference, the news media  
10 in Ohio recognizes the importance of having college  
11 degrees, and they made this a noteworthy item during  
12 their news telecast during this week saying that  
13 there's been an increase in college graduates in the  
14 state of Ohio. And I'm asking the delegates to also  
15 recognize and support this issue saying that we also  
16 want to recognize that we have a science-based code  
17 that requires a science-based education; and to move  
18 us forward into having educated employees --  
19 providing the regulations throughout the states. And  
20 I would ask that you do support these -- the  
21 Council's decision. Thank you.

22 RONALD KLEIN (ALASKA): Ron Klein, state  
23 of Alaska.

24 THE CHAIR: Chair recognize Mr. Klein.

25

1           RONALD KLEIN (ALASKA): Thank you. Just  
2 two additional points, new information. First, the  
3 proposed standard is flawed in that it does not  
4 recognize that an individual may have a bachelor's  
5 without the requisite science, and may have a  
6 master's degree with the requisite science, that this  
7 would not recognize the state's ability to hire that  
8 individual and still maintain the direction towards  
9 achieving the program standard.

10           Second, I think that that presents a  
11 problem for me as a regulatory manager given the  
12 succession management issues that I'm faced with with  
13 the impending retirement. Thank you.

14           THE CHAIR: Thank you.

15           PARLIAMENTARIAN GELFIUS: Ladies and  
16 gentlemen, including the delegates, when a speaker is  
17 at the microphone, I must insist that you please give  
18 them your attention.

19           PRESCILLA NEVES (MASSACHUSETTS):  
20 Prescilla Neves, Massachusetts Department of Public  
21 Health.

22           THE CHAIR: Chair recognizes Ms. Neves  
23 again.

24           PRESCILLA NEVES (MASSACHUSETTS): Thank  
25

1 you, Madam Chair. I'll try to be brief.

2           Maybe someday there will be a national  
3 professional credential that truly reflects the  
4 complexity of the service that we provide, but until  
5 then, incorporating an educational requirement into  
6 the voluntary standards, which is supposed to set  
7 that gold bar, is the right thing to do. I applaud  
8 Minnesota and the other states who are already doing  
9 this.

10           While I know that it may take some time  
11 before many others of us, including Massachusetts, my  
12 state, before we can do this, before we'll be able to  
13 meet the standards, there is -- I know that there are  
14 a number of you, there's a growing number of people  
15 in our profession who believe that, again, that this  
16 is the right thing to do, and to support if you care  
17 about the role of the local, state, county folks in  
18 food safety.

19           I ask you to support the fine work of  
20 Council II and their committees. I ask you to  
21 support the voluntary standards. I argue that I will  
22 go back if this goes forward and make sure that as  
23 many jurisdictions in Massachusetts sign up if you  
24 support this. Because, again, it is about education,  
25



1 and I feel that again for those individuals we're  
2 supporting the individuals who have a vital role and  
3 responsibility in our country's food safety system.

4 Thank you.

5 THE CHAIR: Thank you. Does anyone else  
6 wish to speak to this issue? Then if there is no  
7 objection from the body on this particular issue, I'm  
8 going to ask for a roll call vote on the front end of  
9 this issue. Thank you.

10 TREVOR HAYES: As I read the name of your  
11 state, please indicate yes or no.

12 Alabama?

13 ALABAMA: Yes.

14 PARLIAMENTARIAN GELFIUS: I'm sorry.

15 Could he we repeat Alabama's vote?

16 TREVOR HAYES: Yes.

17 Alaska?

18 ALASKA: No.

19 TREVOR HAYES: Arizona?

20 ARIZONA: Yes.

21 TREVOR HAYES: Arkansas?

22 ARKANSAS: Yes.

23 TREVOR HAYES: California?

24 CALIFORNIA: Yes.

25

1           TREVOR HAYES: Colorado?

2           COLORADO: Yes.

3           TREVOR HAYES: Connecticut?

4           CONNECTICUT: Point of information. We're  
5 voting on withdrawing the recommendation of  
6 Council II?

7           PARLIAMENTARIAN KRAKOWSKI: No, you are  
8 voting on accepting the recommendation of Council II.  
9 That's the vote before you.

10          CONNECTICUT: One-half yes.

11          CONNECTICUT: One-half yes.

12          TREVOR HAYES: Delaware?

13          DELAWARE: No.

14          TREVOR HAYES: Florida?

15          FLORIDA: Florida Ag, one-third no.

16          FLORIDA: Florida Health, one-third yes.

17          FLORIDA: Florida Professional Regulation,  
18 one-third no.

19          TREVOR HAYES: Georgia?

20          GEORGIA: Yes.

21          TREVOR HAYES: Hawaii?

22          HAWAII: Yes.

23          TREVOR HAYES: Idaho?

24          IDAHO: No.

25

1           TREVOR HAYES: Illinois?  
2           ILLINOIS: Yes.  
3           TREVOR HAYES: Indiana?  
4           INDIANA: Yes.  
5           TREVOR HAYES: Iowa?  
6           IOWA: Yes.  
7           TREVOR HAYES: Kansas?  
8           KANSAS: One-half yes.  
9           KANSAS: One-half yes.  
10          TREVOR HAYES: Kentucky?  
11          KENTUCKY: Yes.  
12          TREVOR HAYES: Maine?  
13          MAINE: No.  
14          TREVOR HAYES: Maryland?  
15          MARYLAND: Yes.  
16          TREVOR HAYES: Massachusetts?  
17          MASSACHUSETTS: Yes.  
18          TREVOR HAYES: Really? Michigan?  
19          MICHIGAN: Yes.  
20          TREVOR HAYES: Minnesota?  
21          MINNESOTA: Half yes.  
22          MINNESOTA: Half yes.  
23          TREVOR HAYES: Mississippi?  
24          MISSISSIPPI: Yes.  
25

1           TREVOR HAYES: Missouri?  
2           MISSOURI: Yes.  
3           TREVOR HAYES: Montana?  
4           MONTANA: Yes.  
5           TREVOR HAYES: Nebraska?  
6           NEBRASKA: Yes.  
7           TREVOR HAYES: Nevada?  
8           NEVADA: No.  
9           TREVOR HAYES: New Hampshire?  
10          NEW HAMPSHIRE: Yes.  
11          TREVOR HAYES: New Jersey?  
12          NEW JERSEY: Yes.  
13          TREVOR HAYES: New Mexico?  
14          NEW MEXICO: Yes.  
15          TREVOR HAYES: New York?  
16          NEW YORK: One-half yes.  
17          NEW YORK: One-half yes.  
18          TREVOR HAYES: North Carolina?  
19          NORTH CAROLINA: Yes.  
20          TREVOR HAYES: North Dakota?  
21          NORTH DAKOTA: Yes.  
22          TREVOR HAYES: Ohio?  
23          OHIO: One-half no.  
24          OHIO: One-half no.  
25

1           TREVOR HAYES: Oklahoma?  
2           OKLAHOMA: Yes.  
3           TREVOR HAYES: Oregon?  
4           OREGON: Yes.  
5           TREVOR HAYES: Pennsylvania?  
6           PENNSYLVANIA: No.  
7           TREVOR HAYES: Rhode Island?  
8           RHODE ISLAND: Yes.  
9           TREVOR HAYES: South Carolina?  
10          SOUTH CAROLINA: No.  
11          TREVOR HAYES: Tennessee?  
12          TENNESSEE: Yes.  
13          TREVOR HAYES: Texas?  
14          TEXAS: Yes.  
15          TREVOR HAYES: Utah?  
16          UTAH: One full vote yes.  
17          TREVOR HAYES: Vermont?  
18          VERMONT: No.  
19          TREVOR HAYES: Virginia?  
20          VIRGINIA: One-half yes.  
21          VIRGINIA: One-half yes.  
22          TREVOR HAYES: Washington state?  
23          WASHINGTON: Yes.  
24          TREVOR HAYES: West Virginia?  
25

1 WEST VIRGINIA: Yes.

2 TREVOR HAYES: Wisconsin?

3 WISCONSIN: One-half no.

4 WISCONSIN: One-half yes.

5 TREVOR HAYES: Wyoming?

6 WYOMING: Yes.

7 TREVOR HAYES: DC?

8 DISTRICT OF COLUMBIA: Yes.

9 TREVOR HAYES: Puerto Rico?

10 PUERTO RICO: Yes.

11 THE CHAIR: The motion to accept the  
12 Council recommendation on Issue 2-039 carries.

13 (Applause.)

14 However, in my haste to dispense with that  
15 business, I neglected to get your official  
16 inclination on the remaining issues in the report of  
17 Part 1 from Council II. Therefore, I will go back  
18 and document your official vote on that. I'll now  
19 entertain a motion to accept the Council II report  
20 minus that single extracted issue.

21 DAVID LUDWIG (ARIZONA): So move.

22 THE CHAIR: Is there a second?

23 MARY GLASSBURNER (KANSAS): Second.

24 THE CHAIR: Is there any discussion? Then

25

1 all those in favor of accepting the report of Part 1  
2 of Council II's report minus the extracted issue,  
3 please indicate so by saying yes.

4 FROM THE FLOOR: Yes.

5 THE CHAIR: Those opposed indicate so by  
6 saying no.

7 Any abstentions? Then the motion carries  
8 and the report Part 1 from Council II is accepted.

9 Vicki, can you please give us your report  
10 for Part 2?

11 VICKI EVERLY: Yes. Part 2, Council II  
12 recommended no action on all five issues. Thank you.

13 THE CHAIR: Does anyone wish to extract an  
14 issue from Part 2 of Council II? Okay. Hearing  
15 none, I now entertain a motion to accept the Council  
16 report for Part 2.

17 DAVID LUDWIG (ARIZONA): Madam Chair, I so  
18 move.

19 THE CHAIR: Is there a second?

20 JAMES BLOOM (ILLINOIS): Second.

21 THE CHAIR: Is there discussion? Then all  
22 those in favor of accepting the report of Council II  
23 for Part 2, please indicate so by saying yes.

24 FROM THE FLOOR: Yes.

25

1 THE CHAIR: All those opposed, please  
2 indicate by saying no.

3 Any abstentions? Thank you, Vicki.

4 Okay. Larry, can you please give us your  
5 report.

6 LARRY KOHL: Thank you, Madam Chair.  
7 First I'd like to begin with a thank-you for the  
8 opportunity to serve the Council for Food Protection  
9 as the Council III Chair. On behalf of Dave Ludwig  
10 and our regulatory industry academia and consumer  
11 members, we are pleased to offer our Council III  
12 report.

13 Part 1, we have 14 issues that were  
14 accepted as submitted or accepted as amended in the  
15 report. And the report is contained in the yellow  
16 issues recommendations.

17 THE CHAIR: Okay. Thank you, Larry.

18 Does anyone wish to extract an issue from  
19 Part 1 of the report?

20 TED EVANS (OKLAHOMA): Ted Evans from  
21 Oklahoma.

22 THE CHAIR: Chair recognizes the gentleman  
23 from Oklahoma.

24 TED EVANS (OKLAHOMA): I'd like to extract  
25



1 3-019.

2 THE CHAIR: Does anyone wish to extract  
3 another issue?

4 Okay. Hearing none, I will now entertain  
5 a motion to accept the Council report minus the  
6 extracted issue.

7 DAVID LUDWIG (ARIZONA): Madam Chair, I so  
8 move. David Ludwig, state of Arizona.

9 THE CHAIR: Thank you, Mr. Ludwig. Is  
10 there a second?

11 PAUL PANICO (OHIO): Second.

12 THE CHAIR: Thank you. Any discussion?  
13 Then all those in favor of accepting the report of  
14 Council III, Part 1, minus the one extracted issue,  
15 please indicate so by saying yes.

16 FROM THE FLOOR: Yes.

17 THE CHAIR: Those opposed, please indicate  
18 so by saying no. Any abstentions? Then the motion  
19 carries to accept the report minus the one extracted  
20 issues.

21 I will now then entertain a motion to  
22 accept the Council recommendation for Issue 3-019.

23 PARLIAMENTARIAN KRAKOWSKI: Someone  
24 needs to make that motion.

25

1           ADAM INMAN (KANSAS): So move, Kansas  
2 Department of Agriculture.

3           THE CHAIR: Is there a second?

4           PAUL PANICO (OHIO): Second, Ohio  
5 Department of Agriculture.

6           THE CHAIR: Okay. Now, is there any  
7 discussion?

8           TED EVANS (OKLAHOMA): Ted Evans from  
9 Oklahoma. I'd like to recognize or yield the floor  
10 to FDA to speak on this issue.

11          DAVID ATCHISON (FDA): David  
12 Atchison (phonetic), FDA.

13          THE CHAIR: Chair recognizes Mr. Atchison.

14          DAVID ATCHISON (FDA): Thank you very  
15 much.

16          The FDA appreciated this issue being  
17 brought to the fore, and what we heard were a couple  
18 of important points. The first was related to  
19 improved interpretation of certain aspects of the  
20 food code regarding hand washing. This spoke to both  
21 a need for better interpretation and better  
22 implementation with regard to hand washing  
23 specifically.

24          The second point that we heard which we  
25

1 thought was of value was an increased focus on the  
2 need for changing human behavior in relation to hand  
3 washing. Our concern about the proposal as -- the  
4 solution as we have it is that neither of those two  
5 goals would be met, and that the results of the  
6 deliberations of this committee will be somewhat  
7 unfocused. I'm further concerned that they may delve  
8 into the science behind hand washing, per se, rather  
9 than focusing on the two primary issues that we think  
10 are important; interpretation of the code and  
11 changing behavior. Thank you.

12 THE CHAIR: Thank you. Does anyone else  
13 wish to speak to this issue?

14 Hearing none, we will now vote on the  
15 issue. All those in favor of accepting the Council  
16 recommendation on Issue 3-019, please indicate so by  
17 saying yes.

18 FROM THE FLOOR: Yes.

19 THE CHAIR: All of those opposed, indicate  
20 so by saying no.

21 FROM THE FLOOR: No.

22 THE CHAIR: Okay. I think that calls for  
23 another roll call.

24 FROM THE FLOOR: I make a motion we do a  
25

1 hand vote.

2 TREVOR HAYES: We can do that?

3 PARLIAMENTARIAN KRAKOWSKI: Well, we  
4 could -- we can certainly do that if that is the will  
5 of the body. The only challenge, my friends from  
6 Florida, and the like minded families that have split  
7 votes, so if the -- if there can be an agreement, we  
8 can do a hand vote if there's an agreement that  
9 people who have split votes will wait -- will vote in  
10 a separate section. We'll do full votes first, then  
11 we'll do half votes, and we'll do third votes, if  
12 necessary.

13 PARLIAMENTARIAN GELFIUS: Just do roll  
14 call.

15 FROM THE FLOOR: Roll call.

16 FROM THE FLOOR: Never mind.

17 THE CHAIR: Trevor, you have the floor.

18 TREVOR HAYES: Okay. Roll call vote.

19 Alabama?

20 ALABAMA: Yes.

21 TREVOR HAYES: Alaska?

22 ALASKA: No.

23 TREVOR HAYES: Arizona?

24 ARIZONA: Yes.

25

1           TREVOR HAYES:  Arkansas?  
2           ARKANSAS:  No.  
3           TREVOR HAYES:  California?  
4           CALIFORNIA:  No.  
5           TREVOR HAYES:  Colorado?  
6           COLORADO:  Yes.  
7           TREVOR HAYES:  Connecticut?  
8           CONNECTICUT:  Half yes.  
9           CONNECTICUT:  Half yes.  
10          TREVOR HAYES:  Delaware?  
11          DELAWARE:  Yes.  
12          TREVOR HAYES:  Florida?  
13          FLORIDA:  Three-thirds yes.  
14          TREVOR HAYES:  Georgia?  
15          GEORGIA:  No.  
16          TREVOR HAYES:  Hawaii?  
17          HAWAII:  No.  
18          TREVOR HAYES:  Idaho?  
19          IDAHO:  No.  
20          TREVOR HAYES:  Illinois?  
21          ILLINOIS:  Yes.  
22          TREVOR HAYES:  Indiana?  
23          INDIANA:  Yes.  
24          TREVOR HAYES:  Iowa?  
25

1 IOWA: No.

2 TREVOR HAYES: Kansas?

3 KANSAS: One-half no.

4 KANSAS: One-half no.

5 TREVOR HAYES: Kentucky?

6 KENTUCKY: No.

7 TREVOR HAYES: Louisiana?

8 FROM THE FLOOR: Not here.

9 TREVOR HAYES: Not here. Sorry.

10 Maine?

11 MAINE: No.

12 TREVOR HAYES: Maryland?

13 MARYLAND: No.

14 TREVOR HAYES: Massachusetts?

15 MASSACHUSETTS: Yes.

16 TREVOR HAYES: Michigan?

17 MICHIGAN: Yes.

18 TREVOR HAYES: Minnesota?

19 MINNESOTA: Half no.

20 MINNESOTA: Half no.

21 TREVOR HAYES: Mississippi?

22 MISSISSIPPI: Yes.

23 TREVOR HAYES: Missouri?

24 MISSOURI: No.

25

1           TREVOR HAYES: Montana?  
2           MONTANA: No.  
3           TREVOR HAYES: Nebraska?  
4           NEBRASKA: No.  
5           TREVOR HAYES: Nevada?  
6           NEVADA: No.  
7           TREVOR HAYES: New Hampshire?  
8           NEW HAMPSHIRE: No.  
9           TREVOR HAYES: New Jersey?  
10          NEW JERSEY: Yes.  
11          TREVOR HAYES: New Mexico?  
12          NEW MEXICO: Yes.  
13          TREVOR HAYES: New York?  
14          NEW YORK: One-half yes.  
15          NEW YORK: One-half yes.  
16          TREVOR HAYES: North Carolina?  
17          NORTH CAROLINA: No.  
18          TREVOR HAYES: North Dakota?  
19          NORTH DAKOTA: No.  
20          TREVOR HAYES: Ohio?  
21          OHIO: One-half yes.  
22          OHIO: One-half yes.  
23          TREVOR HAYES: Oklahoma?  
24          OKLAHOMA: No.  
25

1           TREVOR HAYES: Oregon?  
2           OREGON: Yes.  
3           TREVOR HAYES: Pennsylvania?  
4           PENNSYLVANIA: Yes.  
5           TREVOR HAYES: Rhode Island?  
6           RHODE ISLAND: Yes.  
7           TREVOR HAYES: South Carolina?  
8           SOUTH CAROLINA: No.  
9           TREVOR HAYES: Tennessee?  
10          TENNESSEE: No.  
11          TREVOR HAYES: Texas?  
12          TEXAS: No.  
13          TREVOR HAYES: Utah?  
14          UTAH: One vote no.  
15          TREVOR HAYES: Vermont?  
16          VERMONT: No.  
17          TREVOR HAYES: Virginia?  
18          VIRGINIA: One-half no.  
19          VIRGINIA: One-half no.  
20          TREVOR HAYES: Washington state?  
21          WASHINGTON: Yes.  
22          TREVOR HAYES: West Virginia?  
23          WEST VIRGINIA: No.  
24          TREVOR HAYES: Wisconsin?  
25



1 WISCONSIN: One-half yes.

2 WISCONSIN: One-half yes.

3 TREVOR HAYES: Wyoming?

4 WYOMING: No.

5 TREVOR HAYES: DC?

6 DISTRICT OF COLUMBIA: No.

7 TREVOR HAYES: Puerto Rico?

8 PUERTO RICO: No.

9 THE CHAIR: Then the motion to accept the  
10 Council recommendation on Issue 2-019 (sic) is  
11 defeated. 3-019 is defeated. Sorry.

12 Larry, give us the report on Part 2.

13 LARRY KOHL: Thank you. Part 2, we had  
14 ten issues that were categorized as a no action by  
15 the Council.

16 THE CHAIR: Okay. Does anyone wish to  
17 extract any issues from Part 2 of Council III's  
18 report?

19 SHERI DOVE (PENNSYLVANIA): Sheri Dove  
20 with the Pennsylvania Department of Agriculture. I'd  
21 like to extract 3-14.

22 THE CHAIR: Does anyone wish to extract  
23 another issue?

24 Then hearing none, I will entertain a

25

1 motion to accept Part 2 of Council III's report minus  
2 the one extracted issue.

3 SHERI DOVE (PENNSYLVANIA): Sheri Dove,  
4 Pennsylvania Department of Agriculture. So move.

5 THE CHAIR: Is there a second.

6 SCOTT GILLIAM (INDIANA): Second.

7 THE CHAIR: Is there any discussion? Then  
8 all those in favor of accepting Part 2 of  
9 Council III's report, minus the one extracted issue,  
10 please indicate so by saying yes.

11 FROM THE FLOOR: Yes.

12 THE CHAIR: Those opposed, indicate so by  
13 saying no. Any abstentions? Then Part 2 of  
14 Council III's report is accepted minus the extracted  
15 issue.

16 I will now entertain a motion to accept  
17 the Council recommendation for Issue 3-014.

18 SANDRA CRAIG (SOUTH CAROLINA): Sandra  
19 Craig, South Carolina, so move.

20 THE CHAIR: Is there a second?

21 JAMES BLOOM (ILLINOIS): Second.

22 THE CHAIR: Is there any discussion?

23 SHERI DOVE (PENNSYLVANIA): Sheri Dove,  
24 Pennsylvania Department of Agriculture.

25

1 THE CHAIR: Chair recognizes you.

2 SHERI DOVE (PENNSYLVANIA): This issue was  
3 basically brought before the Council because there is  
4 a disconnect in the food code as it relates to  
5 reduced oxygen packaged fish. That section of the  
6 code requires that fish be kept frozen before, during  
7 and after packaging. That does not allow within the  
8 food code for an appropriate thawing method.

9 Council's reason was that there is a  
10 thawing method in the code, but part of the problem  
11 is you cannot -- if you reduce oxygen packaged fish  
12 and it must be kept frozen, you cannot thaw it under  
13 refrigeration currently.

14 The whole issue just at this point needs  
15 addressed by FDA, and at this point I'd like to  
16 recognize FDA if they would like to speak to the  
17 issue.

18 SHIRLEY BOHM (FDA): Shirley Bohm, FDA.

19 THE CHAIR: Chair recognizes Ms. Bohm.

20 SHIRLEY BOHM (FDA): Thank you. I think  
21 there may have been some misunderstanding of the  
22 issue itself during the discussion. There -- I  
23 agree -- we agree that there is perhaps a gap in  
24 the -- in the food code, because it -- while it does

25

1 address thawing, proper thawing of foods, it does not  
2 address thawing of reduced oxygen packaged foods or,  
3 for example, frozen fish.

4           Whether it's done at the commercial level  
5 or whether it's done at the retail level, there is a  
6 concern of a long period of thawing at refrigerated  
7 temperatures of 41, because non-proteolytic C bot,  
8 which is a common contaminant of seafood, does  
9 germinate and could potentially produce toxin at  
10 appropriate refrigerated temperatures in an anaerobic  
11 package; for example, the vacuum packaged fish.

12           So we agree that there is a need to  
13 address thawing of vacuum packaged products, whether  
14 they are done at the commercial level or at the  
15 retail level, and that should be -- should be fixed.  
16 So we would ask that you -- let's see. How does this  
17 go now? That you vote no on no action; is that  
18 correct?

19           FROM THE FLOOR: Correct.

20           SHIRLEY BOHM (FDA): So that it would be  
21 referred to the board and that we could address that.

22           LINDA WHALEY (WEST VIRGINIA): Madam  
23 Chair, Linda Whaley, West Virginia.

24           THE CHAIR: Chair recognizes the delegate  
25

1 from West Virginia.

2 LINDA WHALEY (WEST VIRGINIA): Madam, I  
3 would like to relinquish my time at the podium to  
4 Mr. Gale Prince from the Food Marketing Institute.

5 GALE PRINCE (FMI): Gale Prince with the  
6 Kroger Company, also a member of the Food Marketing  
7 Institute.

8 THE CHAIR: Chair recognizes Mr. Prince.

9 GALE PRINCE (FMI): Madam Chairman and  
10 Delegates, there was considerable discussion. I  
11 should also mention that I'm a member of Council III,  
12 and I went through the long discussion on this  
13 particular issue. And we believe that the science on  
14 the thawing of this particular product does not  
15 require that the package actually be broken as was  
16 indicated in the issue that was submitted. And on  
17 top of that, we were concerned in breaking that  
18 particular seal if we would add further contamination  
19 to the particular product that was maybe greater than  
20 what we started out with.

21 In the thawing in the package, the  
22 spoilage organisms that are present would cause an  
23 odor so that the spoilage would certainly be evident  
24 long before the toxin was produced in the product

25

1 from that standpoint. Therefore, I would suggest  
2 that you think about the science and consider the way  
3 that it was handled in Council III as a no action  
4 item.

5 THE CHAIR: Does anyone else wish to speak  
6 to this issue? Then hearing no one else, we will now  
7 vote on the issue. All those in favor of accepting  
8 the Council recommendation on Issue 3-014, please  
9 indicate so by saying yes.

10 FROM THE FLOOR: Yes.

11 THE CHAIR: Those opposed indicate so by  
12 saying no.

13 FROM THE FLOOR: No.

14 THE CHAIR: Then the motion to accept the  
15 Council recommendation on Issue 3-014 is defeated.

16 Okay. I think that's it. I'd like to  
17 thank you again for all of your hard work. Give  
18 yourselves a big hand. This was a laborious task.

19 (Applause.)

20 And I'd like to personally commend you  
21 with the efficiency that you managed the delegation  
22 or deliberation of all the issues in this conference.

23 With that I will now turn the podium over  
24 to Ms. Elizabeth Nutt, chair of the resolutions

25

1 committee, to come forward and give us her report.

2 ELIZABETH NUTT: Thank you, Madam Chair.

3 Yes, my name is Elizabeth Nutt, and for  
4 those of you who are old enough to remember the  
5 Almond Joy/Mounds commercials, yes, I always feel  
6 like one.

7 I would first like to recognize my  
8 committee, Cory Hedman, Sandra Landcaster and Lorna  
9 Girard. They were very easy to work with. They  
10 pretty much did everything I asked them to do.

11 I'll make these brief because I know  
12 people have plane reservations, et cetera, that they  
13 are trying to make. So the first resolution of  
14 appreciation that the conference would like to  
15 present is recognition of the Hyatt on Capitol  
16 Square. This has been one of the nicest hotels I  
17 have stayed at. I enjoyed the lighting feature in  
18 your room where the lights just gradually got bright.  
19 I thought that was very nice. And I thought that the  
20 nice lady in the elevator had a very nice, pleasant  
21 voice.

22 I did have one complaint, however, or  
23 concern. I guess it's probably just me. I'm a  
24 little bit directionally challenged. And I never  
25

1     could get my bearings on where the conference rooms  
2     were; if it was on the second floor, legislative,  
3     executive -- I was in Council II, I never could find  
4     my Council room. And finally Ben Gale referenced the  
5     room; he said, "Don't you remember, that's the room  
6     that the Saturday reception the bar was in." And  
7     after that, I could find my way.

8             So the conference would like to recognize  
9     and thank staff of the Hyatt hotel, Mr. Dirk Bengel,  
10    Troy Hammond, Suzanne Render, Chef David Wolf, Anthie  
11    Constantinidis. It's hard for an Okie. And Matthew  
12    Auferderheide.

13            PARLIAMENTARIAN GELFIUS: Leave it alone.

14            ELIZABETH NUTT: Yeah, really. If you  
15    want the spelling of these, I can give those to you.

16            They went beyond the call of duty. The  
17    Hyatt was superbly located and provided a stately  
18    environment which was extremely conducive to our  
19    workings. I think we can all recognize that. A copy  
20    of this resolution will be given to these individuals  
21    and also be posted in the proceedings of the biennial  
22    conference.

23            Our second resolution is in recognition of  
24    our wonderful sponsors who made this conference very,

25



1 very successful. As you may recall, we did add a  
2 third, an additional level to the sponsorship. At  
3 the first level, the titanium level, we had  
4 contributors from Ahold USA, Albertsons, Bob Evans  
5 Farms, Chemstar, CK and E Restaurants, Ecolab, Food  
6 Marketing Institute, Johnson Diversey, the Kroger  
7 Company, National Registry of Food Safety  
8 Professionals, the National Restaurant Association,  
9 the Ohio Department of Health, Wendy's International,  
10 and Yum! Brands, Incorporated. And if there's  
11 individuals from these groups, would you please stand  
12 up and be recognized.

13 (Applause.)

14 The gold level contributors were Darden  
15 Restaurants, Inc., Publix Supermarkets and  
16 Underwriters Laboratories, Inc. If there are  
17 individuals from these organizations, please stand  
18 and be recognized.

19 (Applause.)

20 At the silver level we had the Coca-Cola  
21 Company and Wegman's. Are there any members?

22 (Applause.)

23 At the bronze level we had Burger King  
24 Corporation. I know there's somebody. Yes.

25

1 (Applause.)

2 At the copper level we had contributors  
3 from Big Y Foods, Inc., Food Lion, LLC, Food Products  
4 Association, Hannaford Brothers Company, Jack In The  
5 Box, Inc., and the National Automatic Merchandising  
6 Association. Are any individuals here?

7 (Applause.)

8 With these contributions and support, this  
9 allowed the conference to carry out their mission  
10 from food -- to bring together food representatives  
11 in the food industry; regulatory, academia and  
12 government, so we appreciate their contributions, and  
13 this resolution will also be published in the  
14 proceedings.

15 The next resolution is in acknowledgment  
16 to the National Alliance for Food Safety and  
17 Security. This organization, with the help of  
18 Mr. Richard Linton, gave a generous contribution to  
19 our workshop. This workshop was the most highly  
20 attended workshop in our history with 55 percent of  
21 our attendees attending. It was excellently  
22 coordinated by Mr. Linton and Mr. Eils. And it  
23 allowed for the conference to bring in some very  
24 talented speakers which provided excellent expertise

25

1 in the area of controlling and educating on Listeria  
2 monocytogenes. So we would like to thank them as  
3 well for their excellent contributing to further our  
4 mission of food safety.

5 (Applause.)

6 The conference would also like to  
7 acknowledge the following individuals of whom I'm  
8 sure you will recognize, and I believe many of them  
9 have become our friends. These people you will  
10 recognize immediately. And these are the members of  
11 the -- I'll probably get all emotional. They have  
12 been so good. The local arrangements committee:  
13 Mr. Bob Kramer, Gina Nicholson of the Columbus Health  
14 Department, Ms. Barbara Hunt of Wendy's International  
15 and Jim Ward of the Kroger Company. I have lots of  
16 words on this paper describing their excellent  
17 creativity, their enthusiasm, their spiritedness, but  
18 I think you all can show them better than I

19 (Applause.)

20 Just maybe a slight correction. I hope I  
21 did not skip over in the sponsors resolution  
22 Underwriters Laboratory, Inc., at the gold level.  
23 And also the hotel staff is now here, if we would  
24 please let them see our sincere appreciation for

25

1 their...

2 (Applause.)

3 Our next acknowledgment is for an  
4 individual who you may not recognize his name, but  
5 his contribution to the conference will change our  
6 workings forever. This gentleman is Mr. Kevin  
7 Hamstra. Mr. Hamstra is a computer specialist with  
8 the Purdue University. And through his extensive  
9 personal time and outstanding service, he  
10 coordinated, programmed the electronic inspection  
11 issue submission process on our website. And for  
12 that we are very grateful.

13 Mr. Hamstra was very easy to work with,  
14 very patient, and it has enhanced the proceedings  
15 tremendously in our issue submission process, so we  
16 would like to recognize Mr. Hamstra.

17 (Applause.)

18 And you've heard the saying that behind  
19 every man there is a good woman. This next  
20 individual was also very instrumental in promoting  
21 the electronic submission process, and that is  
22 Ms. Marsha Robbins. Many of you recognize  
23 Ms. Marsha.

24 (Applause.)

25

1           Marsha has shown an extreme dedication in  
2 contribution to this conference. She has been  
3 involved at least with the issues committee since  
4 1992. She has presided over the food code workshop  
5 in '96 and the HACCP workshop in 1998. She has shown  
6 much, much dedication and much, much patience to our  
7 issue submitters, and we would like to thank her for  
8 her outstanding time and effort. Thank you, Marsha.

9           (Applause.)

10           I did look up in the dictionary for this  
11 next individual, I looked up the definition of the  
12 word "gentleman." And it said things like man of  
13 respectable character, distinguished and mannerly.  
14 But what it should have said was Charles Otto.

15           (Applause.)

16           Mr. Otto, we recognized Charles at the  
17 beginning of the conference, but we would like to  
18 make it more formal with our resolution thanking him  
19 for his personal initiative, his professionalism, his  
20 organizational skills and hard work. He is enhancing  
21 our website and again bringing the conference into  
22 the 21st century. And thank you so much, Charles.

23           (Applause.)

24           This next resolution is a resolution  
25

1 acknowledging the tremendous work for our illustrious  
2 Vice Chair, Mr. Cory Hedman. Cory has given us a lot  
3 of insight, hard work for the past two years as vice  
4 chair, keeping Janice in line.

5 THE CHAIR: Always a task.

6 ELIZABETH NUTT: We would like to thank  
7 him again for all of his hard work and distinguished  
8 service as Vice Chair. Thank you, Cory.

9 (Applause.)

10 And, of course, last, but not least, we  
11 would like to recognize Ms. Janice Buchanon for her  
12 distinguished service as our Vice Chair -- excuse me,  
13 as our Conference Chair. Bumping you.

14 THE CHAIR: At this point I'm so tired...

15 ELIZABETH NUTT: I have enjoyed every  
16 minute of working with, Ms. Janet. She is very  
17 professional. She has such grace and eloquence. I  
18 think that the conference again has -- has advanced  
19 tremendously under her leadership and guidance.

20 And we also have a plaque for you,  
21 Ms. Janice. If you'd stand up. I'll read this to  
22 you. It's very pretty. There's no battery in it.

23 "The Conference of Food Protection  
24 recognizes Ms. Janice Buchanon, 2005/2006 Conference  
25

1 Chair, for her valuable contribution of time and her  
2 skillful, balanced and gracious leadership in  
3 promoting, collaborating and advancing the conference  
4 mission."

5 Thank you so much, Janice.

6 (Applause.)

7 THE CHAIR: I'll try to get through the  
8 rest of this without crying.

9 Thank you, Elizabeth. Thank you for those  
10 kind words especially.

11 I'd like to ask all those in favor of  
12 approving the resolutions, now that I can have you  
13 say aye again, please indicate so by saying aye.

14 FROM THE FLOOR: Aye.

15 THE CHAIR: Any opposed? Then thank you,  
16 Elizabeth.

17 Then at this point I need a formal motion  
18 from someone to authorize our executive director and  
19 the executive board to make any editorial changes  
20 that might be needed to the issues or resolutions  
21 prior to their publication.

22 WAYNE DERSTINE (FLORIDA): So move.

23 THE CHAIR: Is there a second?

24 MARY GLASSBURNER (KANSAS): Second.

25

1           THE CHAIR:  Then all those in favor of  
2   this authorization, please indicate so by saying aye.

3           FROM THE FLOOR:  Aye.

4           THE CHAIR:  Any opposed?  Motion carries.  
5   Thank you.

6           Before I adjourn, I would like to announce  
7   that a new conference chair and vice chair have been  
8   selected, thankfully.  Elizabeth Nutt from Tulsa  
9   City, Oklahoma, is our new Conference Chair; and  
10   Larry Kohl with Walt Disney World Company is our Vice  
11   Chair.  Would both of you please stand.

12           (Applause.)

13           Congratulations to both of you, and thank  
14   you for assuming this responsibility.

15           And I've been asked to make an  
16   announcement to the body before we completely  
17   adjourn, that if you'd like to participate in the  
18   pilot project included in Issue 2-036 which was  
19   accepted, please give your business card to Mr. John  
20   Marcello.  John, are you in the room someplace?  
21   Okay.  Would you please find John before you leave  
22   the hotel or this room and give him your business  
23   card if you're interested in participating in the  
24   pilot project.

25



1           I have to say that I really need to thank  
2 everyone for making this one of the most rewarding  
3 experiences of my lifetime. I have ranked this  
4 experience in the top five best experiences of my  
5 professional career, and actually for me personally  
6 as an individual. It has really been a privilege and  
7 an honor to serve you as your Chair for the last two  
8 years. But I have to tell you, without a doubt, the  
9 person sitting over here to my right has really been  
10 the individual that has held up my wings constantly.  
11 And I need to thank you, Trevor, one more time  
12 publicly for being so efficient -- I don't know which  
13 of us is going to cry more now -- for being so  
14 efficient, so thorough and always on top of things;  
15 and making this a true joy for me to do this. Thank  
16 you, Trevor.

17           (Applause.)

18           Because Elizabeth has already told you,  
19 behind every good man there's a woman somewhere,  
20 Linda, can you please stand up.

21           (Applause.)

22           That likewise, Linda is one of the most  
23 detailed individuals I have ever met anywhere,  
24 professionally, personally, otherwise, in my entire  
25

1 life. You have no comprehension of the degree of  
2 insight and detail she puts in a daily basis into  
3 ensuring that we have a comfortable and successful  
4 conference every two years. Linda, thank you again.

5 (Applause.)

6 Okay. Unless there is further business, I  
7 will entertain a motion to adjourn this meeting.

8 WAYNE DERSTINE (FLORIDA): So move.

9 PADRAIC JUAREZ (FLORIDA): Seconded.

10 THE CHAIR: Is there any discussion? Then  
11 all those in favor of adjourning the 2006 Conference  
12 for Food Protection session of the voting delegates,  
13 please indicate so by saying aye.

14 FROM THE FLOOR: Aye.

15 THE CHAIR: Any opposed? We stand  
16 adjourned. Thank you again.

17 - - -

18 And, thereupon, the Conference was  
19 adjourned at 10:17 a.m.

20 - - -

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

C-E-R-T-I-F-I-C-A-T-E

I do hereby certify that the foregoing is  
a true, correct and complete written transcript of  
the proceedings in this matter, taken by me on the  
12th day of April, 2006, and transcribed from my  
stenographic notes.

---

Shayna M. Storts, RPR

April 24, 2006

My commission expires 6-12-08