

# February, 2021.



MONTANA  
FOOD & CONSUMER  
SAFETY PROGRAM

Roses are red,  
Viruses green  
You can forget the  
chocolates,  
I want a vaccine!

## Articles This Month

1. Training Updates and Opportunities
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3. History of Public Health: Doctors made up Cholera to murder us and steal our bodies!
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**MONTHLY FCSS CONFERENCE CALL**  
*Every 2nd Tuesday at 9AM!!*

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ORIGINAL ART BY JOHN FALTER

# 1. TRAINING OPPORTUNITIES



Scarlett Fuller, DPHHS, joined us on Feb. 23<sup>rd</sup> for a webinar about the “Choose Safe Places” program for daycares. This program helps daycares assess potential environmental hazards when choosing a site or assessing a current location. For further information on this program visit their [webpage](#). There are additional materials available on this site along with an online assessment survey. If you have further questions about this program, please contact Scarlett at [Scarlett.Fuller@mt.gov](mailto:Scarlett.Fuller@mt.gov).

We are looking forward to **March 16<sup>th</sup> at 9 am** when Gregory Butts, DEQ, joins us to speak about public water systems. He will provide an overview of public water systems and their regulation. If you have specific questions that you would like addressed about public water systems, please let me know so that they can be included in the presentation.

-Nina

# 2. LICENSING UPDATE



- The 4<sup>th</sup> quarter payment has been made, the cleanup (inspections that were done earlier but not paid) will be made the first week of March and the following week the cooperative agreement payment will be made. Please make sure you have submitted your 4<sup>th</sup> quarter Covid-19 activities report.
- Please make sure license applications are legible, or they may be returned to you for clarification.

-Gail

# 3. History of Public Health:

Doctors made up Cholera because they want to murder us and steal our bodies!



It's 1832. You are a working-class British citizen. Here are things that you do not know:

- What causes disease? Bacteria and viruses have not yet been discovered.

Here are the things you do know:

- You've had diarrhea before, and you did not die. Therefore, diarrhea does not kill people.
- People with diarrhea are dying while in the hospital.
- A doctor was recently convicted of running a grave robbing scheme to send cadavers to medical schools for dissection. There have been other confirmed cases of medical [grave robbing](#).
- Doctors have been known to [accept murdered bodies](#) for dissection.
- There is a huge class divide between people like you and upper-class people, like doctors. They looked down on you and treat you as with disdain.

Given everything you know, it makes sense that doctors have made up this whole [cholera](#) nonsense in order to trap people in hospitals, kill them, and use their bodies for dissection. [What else can you do but riot?](#)

When you read the title of this article, it sounded outrageous. After putting yourself in the shoes of a person who would believe such a thing, it made more sense. As public health officials, it can be frustrating to see misinformation spread. We should, however, keep in mind that not all mistrust in our community is unwarranted, [particularly when it comes from underprivileged populations](#).

The next time you encounter someone saying that [vaccines cause autism](#) or that [COVID-19 is just the flu](#), take a step back and try to determine why this misinformation seems logical to them. Dismissing ideas as "stupid" pushes people away, creating a divide between us and them. If we do our best to try to come from a place of understanding, we have a better chance of [helping others see our side](#).

-Staci

## 4. Review Ingredient Challenge



### Caffeine Conundrum

As part of an intrepid pre-licensing wholesale food review team, your agency receives an application that includes a beverage advertised on the product packaging label as "High Octane Henrietta." The beverage is to be canned in a typical "pop-top" metal container that holds 12 fluid ounces of product. According to the proposed product label, the sole ingredients in the can are water and caffeine. The review form indicates the final product after canning may or may not be refrigerated and is a decision determined by the retailer.

Based on this limited information, what is the priority hazard for this product and what other concerns might you have?

### ~Best answer to the review ingredient challenge~

The most critical hazard in this scenario is the possibility that this product might be a low-acid canned food in which there may or may not be mechanical refrigeration to control the pathogen of concern: *Clostridium botulinum*. But before jumping to any conclusions, we would want to make sure we know all the facts about the product, such as:

1. Have all the ingredients been declared on the product packaging label, and does the packaging label directly correspond with the recipe disclosed on the review form?
2. Does the product packaging actually create a low oxygen transmission rate environment that is less than 10,000 cubic centimeters of oxygen per square meter flowing through the packaging material every 24 hours?
3. How much caffeine is in the product? Is caffeine allowed to be added to food?

Next month, we will examine this product further after providing more information.

Until then, the primary difference between regular food and dietary supplement ingredients is:

**Regular food ingredients** must at least meet one of the four criteria in the department's [guidance document](#), including approved food additives;

**Dietary supplement ingredients** or components are excluded from the federal legal definition of approved food additives ([21 USC 321 \(s\)](#)), and are also allowed to include [new dietary ingredients](#) (NDI). However, any dietary supplement ingredient or component must not adulterate the final product. [Montana food law](#) is decades outdated and incongruent with the nation in that it does not exempt dietary supplements from this same definition, but for practical purposes, the department has by unwritten policy, honored what is reality in the remainder of the country. Therefore, any proposed edible ingredient that does not conform to the department's ingredients guidance above:

1. But does meet requirements of a NDI; or
2. Is not GRAS but can demonstrate through qualified experts that the intentionally added substance is safe under intended conditions of use will not adulterate the product; or

Is not in excess of [traditional safe-use levels](#) for similar or the same dietary supplements that have a proven safety history will likely be allowed to be marketed as a dietary supplement, provided if any health or disease claims made do not render the product into drug status.

-Jeff

## 5. Glamping: PUBLIC ACCOMMODATIONS or CAMPING ?

Glamping: Public Accommodation or Campground?

When I think of camping, I do not envision ensuite bathrooms, housekeeping, a private butler, a private hot tub, or a provided breakfast. The new trend of glamping (a combination of the words glamorous and camping) has blurred the lines between public accommodations (PAs) and campgrounds. We look to the rules for guidance.

### **Public Accommodations [37.111.101](#) MCA**

(4) "Establishment" means a facility providing sleeping accommodations to the public, such as a hotel, motel, tourist home, or rooming house, including boarding house, hostel, or vacation rental.

(13) "Sleeping accommodation" means the provision of sleeping quarters where the linen service or housekeeping service are provided by management or by the guests under the direct supervision of management.

### **Tourist Campgrounds [50-52-101](#) MCA**

(1) "Campground" means a parcel of land available to and principally used by the public for camping, where persons can camp, secure tents or cabins, or park trailers for camping and sleeping purposes.

After reviewing these definitions, there is still debate at where the line should be drawn. It has been argued that providing linens would move an establishment into the PA category. Others have stated that campgrounds should be more primitive and addition of services, such as nightly housekeeping, would make them a PA. Still others say that amenities, such as full kitchens or ensuite bathrooms, would qualify an establishment as a PA. None of these things are expressly excluded in the campground rule.

As things stand, the decision on what to categorize glamping establishments is at the discretion of the county. It seems the addition of offering breakfast, which is allowed in the PA rules, is the only clear indicator that something should be licensed as a PA.

-Staci

## 6. Pool Plan Review Update

## Plan Review Form

We have a new [plan review form](#). Please take a look and feel free to make comments. Any new public swimming pool plan review applications should now be on this new form. Please note that it is a requirement for the applicant to supply the county with a set of approved plans as well as a set of all plan and equipment operating instructions to the operator. If they have not supplied them, and you would like your own set for pre-opening inspection, then please request it from the applicant, or you may contact me and I will help you get a copy.

## Residential Spa Plan Review

I get a lot of prospective applicants sent to me for plan review questions on residential spa units, mostly associated with AirBnB or tourist homes. Some counties have placed my contact information on their public accommodations plan review forms. I don't generally mind questions, but it may be helpful if you could give people a little direction at the beginning of the process. Residential spas can go through plan review, but the outcome may not be favorable. Those units are simply not designed to contain many of the required features. It turns out that something seemingly easy to retrofit, like a flow meter, really isn't all that easy. Also, adding components to the plumbing of the residential spas will usually void any manufacturer's warranty. I try to let people know that it's not an impossible feat, but in the end it may not be worthwhile to gather all the information and pay the fees for a plan review, only to realize that it's not going to be easy to meet the current regulations.

-Erik

## 7. Cosmetics and Soaps

We have received several questions about regulations for homemade soaps and cosmetics over the past few months. Cosmetics including soaps fall under the Montana Food, Drug, and Cosmetic Act (MFDCA) ([MCA 50-31 et seq.](#)). These products do not require DPHHS licensure to manufacture or sell. They need to comply with the MFDCA, which includes provisions addressing adulteration and misbranding.

This law requires products to be safe for users and product packaging and advertising cannot mislead consumers. If the item contains any poisonous substance or a substance that causes harm or is packaged under unsanitary conditions, it can be considered adulterated. Misbranding would be if its labeling is false or misleading. The packaging must list the name and place of the business and an accurate statement of quantity. Health claims can also lead to the product being misbranded. Suspect product claims are evaluated on a case-by-case

basis. If a claim is made, it could render the product a food or drug rather than a cosmetic.

The manufacturer is responsible for removing adulterated or misbranded cosmetics from commerce. The health authority may also need to become involved if they become aware of the product endangering or misleading consumers. Although you do not need to license these manufacturers, it is important to share with them this information about adulteration and misbranding.

-Nina



Like death and taxes, something you can always count on are Deliverables! Due to the COVID-19 crisis, we will not be asking any of the jurisdictions to do the tabletop exercise or complaints review that was originally described. Instead, jurisdictions are asked to ensure that their Foodborne Illness Investigation Protocols (F5) are complete and are ready for use, when needed.

The Deliverables and F5 checklist are available on the Sanitarian Resource Page. If you have any additional questions, or would like your plan reviewed before formally turning it in, please contact me.

-Alicia

## 9. FUN FACTS



### Body Art Sanitation

Complete the crossword puzzle below



#### Across

- Discarded instrument or article that may be contaminated with bodily fluids and may cause punctures or cuts
- Transdermal or subdermal object that is embedded into a person's body
- Substance applied to skin that kills/inhibits growth of microorganisms
- Person whose skin will be tattooed or pierced.
- Characteristic of a surface that allows effective removal of soil by cleaning
- Any ornament designed for insertion into a pierced area of a client

#### Down

- A person who engages in the practice of tattooing
- Probable presence of disease-causing microorganisms
- Items that are intended to be used once then discarded
- Small container for individual portions of pigment which may be installed in a holder or palette
- Verbal and written instructions the client should follow to prevent infection
- Facility where tattooing or body piercing is conducted, utilizing a wheeled vehicle

[Click here for answers to last week's puzzle and a printable version of our fun fact!](#)

\*Created using the Crossword Maker on TheTeachersCorner.net



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**If you are in crisis and want help, call the Montana Suicide Prevention Lifeline, 24/7, at 1-800-273-TALK (1-800-273-8255) or text 'MT' to 741-741.**

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