

March! 2021



MONTANA
FOOD & CONSUMER
SAFETY PROGRAM



Articles This Month

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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



Join us on **Tuesday, April 20th at 9 am** to hear about the [Lead Reduction in Schools Drinking Water program](#). The updated [school environmental health rule](#) took effect in Jan. 2020, and one of its components was testing for lead in drinking water. It requires that schools sample drinking water fixtures and kitchen fixtures that can be used for human consumption. DEQ has started to collect data and work with schools on this component of the rule, and Greg Montgomery will provide us with an overview of what has been found so far statewide from this testing. Dawn Nelson, toxicologist with DPHHS, will provide a brief overview of the effects of lead on children for context.

Planning for Summer Institute is beginning. We are planning a session for new and somewhat new sanitarians to provide an overview of Food and Consumer Safety programs, resources, and responsibilities of sanitarians in Montana. It is a chance to get your questions answered, meet other sanitarians from around the state, and share your stories. The plan is to hold the training virtually for a few hours over 3-4 non-consecutive days in July. As more details are available, we will let you know.

If you are a “seasoned” sanitarian and have an example of experience from the field--such as an interesting interaction with a food establishment, dealing with a failed septic system, or helping with establishments reopening after a flood--that you can share, please contact me. These would be 5-10-minute presentations shared throughout the training, integrated into the topics for that day.

-Nina

2. LICENSING UPDATE



FCS will not be collecting 2021 late fees and will refund the 2021 late fees we have received, per the Governor’s [Directive Implementing Executive Order 2-2021](#).

Additionally, during a normal year FCS would inactivate licenses March 30th. Due to COVID-19 license inactivations will be delayed by 60 days. FCS will issue inactivation's May 28th. Payment must be received by May 19th to prevent inactivation of a license.

-Gail

3. It's a Truck Wreck!



February was a busy month for truck wrecks. To make sure our late night phone calls go smoothly and products are properly regulated, please ensure your county's 24-hour number and listing on the [MT Public Health Directory](#) are correct, if updates are needed please do so as soon as possible.

To check your after-hours number: Click on the public health directory link above. Select your jurisdiction, for the Category drop down select "PHSD Health Department," and for Sub Category select "Health Department with After Hours," then select Search. On the next screen select "Details," blue box on the far right of the screen. Once your on the "Details" page you'll see a listing for the "After Hours Number." *This is the number that will be called anytime after 5 PM, Monday through Friday, and on weekends.*

If the 24-hour number involves dispatch, please verify that they have an up to date list of numbers and directions regarding what to do if a truck wreck occurs involving food. Please ensure that the afterhours number is not the health department main line.

To brush up on protocols, check out our recent [Truck Wreck Response video](#). We will keep you updated for when the truck wreck test calls resume.

-Sadie

4. Review Ingredient Challenge



Caffeine Conundrum Continued

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.

After reviewing the submitted information, you telephone the review form submitter to clarify final product storage conditions, and whether all ingredients were declared on the label. The submitter informs you that some of the canned product might be sold at the retail level from a refrigerated display case, but it is expected that most of the canned product will be stored at ambient temperatures until sold. You also learn carbon dioxide gas is also an ingredient in the final product, but was not listed

on the review form or product label because the submitter did not think the intended addition of a substance in a gaseous state was a food ingredient.

Based on this limited information, what concerns might you have and need for additional clarification through answers to follow-up questions?

~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*.

However, that concern might have been addressed upon learning the final product included the addition of carbon dioxide gas into a caffeinated canned water product.

Dissolving carbon dioxide gas into water yields the unstable product known as carbonic acid, which will remain in that form provided sufficient pressure is maintained within a closed system like a sealed metal can. We will not know for certain how safe the product is to store at ambient temperatures until we know what the final acidity level (pH) is for the water mixture. This will be based on how much carbon dioxide gas is being infused into the water prior to canning, and how much gas dissociates from the resulting solution before the lid for the can is sealed.

For a product to be exempt from low-acid canned or acidified food regulations, the maximum pH level allowed is 4.6, or water activity of 0.85 or less, or the final product must be refrigerated. Most [carbonated water beverages](#) yield an acidity level pH range of approximately 3.0 to 4.0. In this circumstance, we would want the submitter to validate the carbonation process and verify the final product equilibrium pH by submitting it to a qualified process authority for testing, and have the written results submitted to us to be included in the file with the other review form information.

The other major issue with this product is the amount of added caffeine that is being included as an ingredient.

Caffeine is a very powerful stimulant substance that is not allowed to be added in any other food products other than “cola-type beverages” and dietary supplements. This food limitation is codified in [21 CFR 182.1180](#), and the amount is limited to 0.02 percent by volume. The emergence of dietary supplements containing [high levels of caffeine](#) was the subject of much media coverage in 2018 because the federal Food and Drug Administration declared such products a “[public health threat](#).” Dietary supplement manufacturers are allowed this higher level of added caffeine because dietary supplement ingredients and components are excluded from the federal legal definition of approved food additives ([21 USC 321 \(s\)](#)).

Dietary supplements 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.

Finally, the product label needs to be changed to more accurately disclose to the consumer what is in the product. The ingredients list needs to be changed from just listing "water" as an ingredient to the more accurate term "carbonated water." This makes a huge difference in product safety.

-Jeff

5. Let's Be Clear About Pool Clarity

I don't often come across severe clarity concerns during my pool inspections, and to be honest, I thought it was something that was becoming a thing of legend. So I was rather surprised to see a hotel pool the other day that was open to the public, supposedly being tested and observed regularly by staff, that was almost completely opaque. I'm kicking myself now for not bringing my secchi disk, but thankfully it wasn't strictly necessary.

In the first picture you can see a set of stairs with a diamond pattern. The thirds step is in roughly 2 feet of water and the diamond patten is visible, but barely. I might be tempted to classify this as moderate water clarity.

The second picture is from the deep end looking down and back towards the stair at about 5 feet of water. There should be a main drain out there somewhere. I was unable to see the main drains from any angle. Lighting conditions and glare doesn't help with picture quality, however, it really was this bad in person. I would definitely classify this as poor water quality.



For this article, I want to reiterate the importance of regulatory inspections in reviewing these seemingly obscure topics and review some of the clarity standards.

The definition of water clarity includes a tiered description for use in record keeping and enforcement.

"Water clarity" is a qualitative visual observation of the opacity of water in a public swimming pool. Water clarity may be affected by glare, surface turbulence, water depth, ambient light levels and concentrations of organic and inorganic solids that are suspended in the water. Water clarity is recorded using one of the following terms:

- "excellent" means that the water is clear, with the fine details of the reference point are sharply defined and easily seen on the bottom of the public swimming pool;
- "good" means that the water is slightly cloudy, with some loss of fine details and slight blurring of the reference point, but major characteristics of the reference point can still be recognized;
- "moderate" means the water is very cloudy, with complete loss of fine details, but the overall shape of the reference point is visible and recognizable; or
- "poor" means the water clarity is significantly deteriorated such that the reference point cannot be seen on the bottom of the public swimming pool.



Water clarity must be observed and documented each time a sample is taken for routine daily water testing. That should be once per day at the very least.

The pool operator must begin taking active measures to improve water clarity if the water clarity is observed to be moderate. The pool must be closed immediately if the water clarity is observed to be poor.

In this particular case, the CPO was able to be reached by phone for routine concerns, but he was on vacation and was not physically observing the pool himself. Staff onsite were not properly trained and aware of these standards. They were not observing or documenting clarity and it had completely escaped their attention. Thankfully there were no injuries or complaints, but this did result in a hotel pool being closed for over a week to get back in shape.

-Erik

6. Trailer Courts & Campgrounds

Children's Summer Camps

Children's summer camps, such as Boy Scouts and Kiwanis, are not subject to licensure if they are used solely by the organization:

50-52-101(9) (a) MCA "Youth camp" means a parcel of land on which permanent buildings, tents, or other structures are maintained as living quarters for 10 or more people and that is used primarily for educational or recreational use by minors... (b) The term does not include any site used solely by the members and their families of a private organization that owns the site.

50-52-101 (1) MCA "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.

ARM 37.111.201 (25) "Public" means individuals in general without restriction or selection.

If they are rented out to anyone outside the organization they will need to obtain a license.

Campground/Trailer Court Inspections

Be sure to confirm that the number of trailer spaces or campsites present at inspection matches the number that are approved on the license. Establishments are being discovered with spaces exceeding the license number that have flown under the radar for years. Often this happens when new owners take over, prompting them to question why this was never noted before. Any discrepancy between number of spaces present and the number approved on the license should be noted on inspections.

If an establishment wishes to add spaces, these need to be approved prior to construction:

ARM 7.111.205 (1) A person proposing to construct, alter, or enlarge a general services campground, limited services campground, or trailer court must submit scaled layout plans and specifications of the proposal to the department and the local health authority.

-Staci



Hello everyone!

With both excitement and sadness, I am writing to share that I left Food and Consumer Safety to join the Department of Livestock as an Enforcement, Investigation, and Analysis Officer. My last day was March 19th. I have greatly enjoyed my time working with all of you and hope you will not be strangers.

Best Wishes,

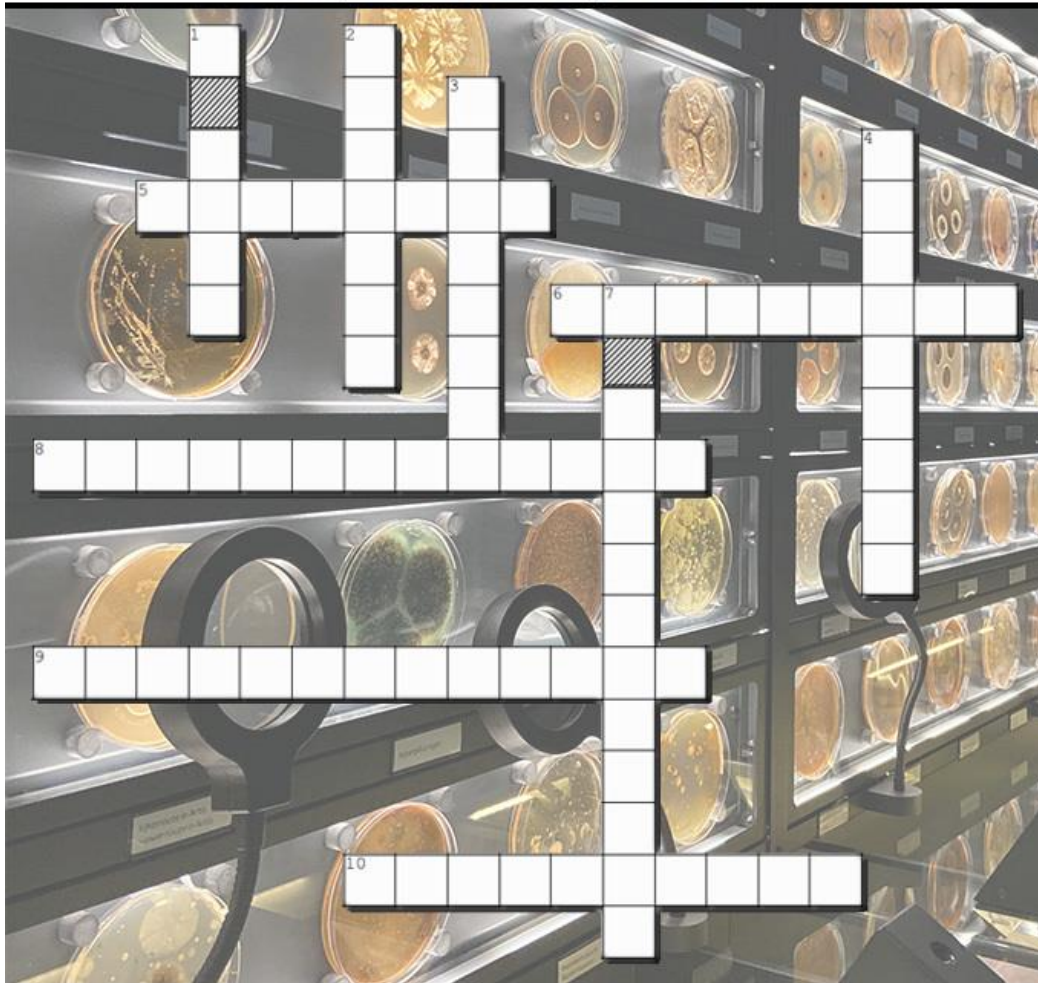
Alicia

8. FUN FACTS



Foodborne Illnesses

Complete the crossword puzzle below



Across

5. Serious illness caused by a toxin that attacks the body's nerves
6. Fish poisoning; caused by eating fish not properly refrigerated
8. An infection caused by drinking untreated water, or contact with animals
9. Infection caused by a single-celled parasite, found in raw pork, lamb, or shellfish
10. Common bacteria found in food, causes typhoid fever

Down

1. Large diverse bacteria that make the toxin called Shiga toxin
2. Illness caused by the bacterium *Vibrio cholerae*
3. Pregnant women are 10x more likely to get an infection from this bacterium
4. Very contagious virus, common from November to April
7. Spore causing bacteria found on raw meats and intestines of animals

[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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