

# February 2023 EHFS Newsletter

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## Training Opportunities

**Upcoming Webinars- CEUs are provided for webinars hosted by FCSS.**

**Food Safety in Bakeries - March 7<sup>th</sup> 9:00AM:** Retail bakeries provide some special situations that may be overlooked during food inspections from mixing, to shaping, cooling, decorating and on through to the final sale. Bakery products are often handled by multiple different employees in ways that can introduce physical, chemical, and biological hazards along the way. This presentation will detail each of the risks present in such operations and highlight the points where food inspectors should focus their efforts.

*\*CEUs from this webinar can count toward one of the three hours needed to fulfill the PHEP F3 deliverable.*

**Truck Wrecks – March 23<sup>rd</sup> at 9:00AM:** The webinar will cover applicable regulations, the basics of truck wreck response, and example response scenarios.

**Pool Backflow – April 18<sup>th</sup> at 9:00AM:** Karl Carlson, a DEQ Water Quality Specialist, will give an overview of backflow and backflow prevention for pools and spas.

*-Karennna*

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## **Licensing Update**

We have updated our name from Food and Consumer Safety (FCS) to Environmental Health and Food Safety (EHFS). We feel it is a better fit for the work we perform as well as a better match with county departments. We have been getting questions regarding the change and what should be written on checks and money orders for license payments. FCS, DPHHS or EHFS all are acceptable. If you have a check written out to your county, that will also be accepted, as long as it hasn't been stamped on the back. We will be updating our license applications to reflect the name change and will be sending out a digital copy; updated applications will also be on the Sanitarian Resource page. If you would like hard copy applications, please request them by using the Printed Material Request form.

On March 27<sup>th</sup>, all unpaid licenses will be inactivated. We will send a letter to the current address of the owner, and a copy of the letter to the counties for the county's records. The letter states they will need to contact their local Environment Health Department in order to get their license paid and reactivated. If we receive payments without the reactivation form, we will send an email to the county asking if they want the license to be reactivated. Alternatively, we will send the operator a letter stating they need to contact the county, and send their check back, or issue a refund for online payments. Licenses will not be reactivated without written permission from the county.

*-Gail*

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## **Lapsed Trailer Court Licenses**

Trailer courts whose licenses lapsed in 2020 or 2021 due to COVID-19 may be able to bypass submitting a full plan review.

In lieu of a traditional plan review we will accept a modified review that includes:

1. A copy of the re-licensing inspection for our records that includes:
  1. Water test reviews
  2. Any obvious significant deficiencies (accumulating solid waste, rodent infestations, surfacing sewage)
2. A cover letter from the local sanitarian noting two things:
  1. These are the covid affected establishments.
  2. The plans and specifications for these establishments have not changed since they were last licensed.

These documents should be submitted to Karena. After they are approved, a new license application will need to be submitted to Gail, along with the 2023 license fee.

This agreement will be honored until the end of 2023. If you have any trailer courts that would qualify, please get them in as soon as possible. This agreement does not extend to any other type of establishment. -*Staci*

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## Relevant Bills to Watch

Here are some bills to watch:

- [SB 226](#) Allow for subdivision reviews by independent entities
- [SB 227](#) Allow DEQ to pre-certify subdivision applicants
- [SB 240](#) Exempt certain subdivisions from review
- [LC 4566](#) Create food safety panel

-*Staci*

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## FDA Contracted Inspections with Montana

The US FDA contracts with Montana DPHHS to conduct good manufacturing practices (GMP) inspections at wholesale food establishments that conduct food manufacturing and storage operations in this state. This year EHFS is contracted by the FDA to conduct 36 unannounced regulatory inspections. The FDA has authority to inspect when food ingredients/packaging components are interstate in origin – or – the final product is shipped interstate. These inspections are for food safety and security. I will ensure that this year's mission will be 100% complete by 01AUG.

A little background on these contracted inspections... It has not always been smooth sailing. In 2006-2007 there were zero FDA contracted wholesale food establishment inspections in AR, MD, SC, TN, TX, VA, and WY. During this time frame only four of the states completed 100% of the contract inspections. At this time, in California there was an *E. coli* outbreak with more than 200 illnesses, including three deaths.

In 2007-2008 CA, GA, IA, KS, NE, TX, and WY there were zero required contracted inspections conducted. Nationally the FDA scheduled 10,218 inspections by state contracts. Only 358 of these were completed. Only seven of the states fulfilled 100% of the state contracted number of inspections for this time period – and *Salmonella* spp. contamination was found in two peanut plants in GA and TX causing hundreds of illnesses and the deaths of at least nine people. It was primarily this systemic failure of the

FDA contracted wholesale food inspection program that led Congress to action. In 2011 the Food Safety Modernization Act (FSMA) was enacted. There was an immediate uptick of completed inspections, but the success quickly waned as shown by the number of completed inspections over the next 10 years:

2011 10,641 inspections completed

2019 7,391 inspections completed

2021 4,535 inspections completed.

Then, in FEB2022 there was a recall on Abbott Labs infant formula (Similac, Alimentum, EleCare) in Sturgis, Michigan. The FDA shuttered the plant in FEB2022 after two infants succumbed to an illness from *Cronobacter sakazakii*. *Cronobacter* and *Salmonella newport* were implicated in the four infant illnesses. The FDA was criticized because it took them months to inspect the plant in MI and weeks for the agency to notify the public after shuttering it. The FDA is very much aware of the criticism and agency officials have vowed to do a better job in food safety and security actions moving forward.

Cites: AP/EWG/FDA/US HHS

-Mark

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## Pool Updates

We have made a few minor updates to ARM 37.115.106 to reference the most current versions of Circular FCS 3 – 2022, ISPSC 2021, and ANSI/APSP/ICC 7 - 2020. Circular FCS 3 -2022 can be found on our [Public Swimming Pool Website](#) and I encourage all inspectors to take a look at it.

Most changes are minor, however, one change that I find interesting is the addition of a legionella contamination protocol. The regulatory authority and CPO of any facility suspected to be contaminated with Legionella shall follow the process outlined in the [2018 Model Aquatic Health Code 6.5.3.6](#). The regulatory authority will work closely with Environmental Health and Food Safety and EPI to determine if a facility is likely contaminated and how to best follow this protocol as a team. The very first and most important step in a suspected contamination is to shut down the spa and contact state and local authorities for further guidance. Please do not advise the facility to drain or sanitize the spa until an initial investigation has been conducted. Further investigation may lead to sampling and sanitization would destroy any possible samples.

Thanks!

-Erik

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## Wholesaling Products Containing Meats

Licensing jurisdictions for food products containing meat can get a bit fuzzy. Meat and meat containing products at retail will often require a retail food license approved by the county health department but when certain products are wholesaled, they may fall under the jurisdiction of Montana Department of Livestock (DOL). Wholesaled products containing 2% or more cooked meat/poultry, or 3% or more raw meat/poultry are licensed by DOL, while products containing less meat/poultry than that will be licensed by DPHHS.

I receive a lot of wholesale review forms for breakfast burritos containing bacon and/or sausage. I have yet to receive a meat burrito review that falls under our jurisdiction, as less than 2% is a very minimal amount. On top of that, in accordance with the federal standards, products cannot be labeled as “Bacon” Burrito or “Sausage” Burrito if they contain less than 2% bacon or sausage. The same goes for meat pizzas. A product I have approved, that falls into the 2% or less category, was a leafy salad with a small amount of crumbled bacon on top.

On the other hand, DPHHS has jurisdiction to license wholesaled closed-faced sandwiches regardless of the percentage of meat/poultry. For example, meat between two slices of bread such as a turkey sandwich or a hamburger patty on a bun.

For more information, we have a [jurisdiction guide](#) on our wholesale webpage. We also have the recording of the Who's Got the Meat webinar from October 2022, for anyone interested in listening.

-Sadie

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## Open Positions

There are many job openings around the state. See some of these below:

- EHFS has an opening for a sanitarian. You can find the full posting here: [Public Health Sanitarian/Environmental Health Specialist](#).
- Carbon county is hiring an Environmental Health clerk. See details here: [Carbon County Environmental Health Clerk](#).
- Lincoln county has a position open for a sanitarian. See more information here: [Lincoln Sanitarian Position](#).
- Fergus county is hiring a full or part-time sanitarian. Apply at Lewistown Job Service or email at [assistant@co.fergus.mt.us](mailto:assistant@co.fergus.mt.us).
- Ravalli county is hiring a SIT or sanitarian. See more information here: [Ravalli Sanitarian/Environmental Health Specialist](#).

As always, if you would like a job opening listed on our newsletter, please feel free to email it to me at [Sandra.Tirrell@mt.gov](mailto:Sandra.Tirrell@mt.gov).

-Sandy

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## Contact Information

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