

March 2024 EHFS Newsletter

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Training Opportunities

Webinars - *Please register in advance using the link below. EHFS webinars are for state and local health officials, sanitarians maintaining CEs, and partner organizations only.*

Ethnic Food Safety – April 16th at 9AM: This presentation will cover some basics of ethnic food safety in a variety of cuisines and some specific tools related to ethnic food safety. [Register to attend here.](#)

Ticks and Mosquitoes – May 21st at 9AM: Devon Cozart, DPHHS epidemiologist, is going to present on tick and mosquito biology, diseases of concern, and prevention. [Register to attend here.](#)

Other Opportunities

Retail Program Standards Symposium – April 16th-18th, 9AM-3PM: This year's theme is Sustaining the Standards which aims to provide the information and connections jurisdictions need to maintain and grow their programs. The RPSS provides support and education for retail food safety jurisdictions at state, local, tribal, and territorial (SLTT) levels, whether just beginning with the Voluntary National Retail Food Regulatory Program Standards (Retail Program Standards) or maintaining conformance with them. [The agenda and registration are available on the NEHA Website.](#)

If you have questions related to upcoming trainings or would like to be added to the Training Announcement List, please contact Karena at Karena.Doctor@mt.gov.

-Karena

Licensing Update

The cooperative agreement payment is in process and will be completed soon. When the cooperative agreement payment is completed, the second mobile payment will be processed.

When sending Cottage Food applications, please make sure it is signed by both the sanitarian and the operator, and a numbered list of approved products are attached. The numbered list ensures that we end up with the same number of products on the lists.

[Cottage Food Product List](#)

-Gail

Cinnamon Recall

Colonna Brothers of North Bergen, NJ has recalled its 1.5oz Marcum Ground Cinnamon & 2.25oz Supreme Tradition Ground Cinnamon because of a possible health risk due to elevated lead levels. The Supreme Tradition Ground Cinnamon is a product of Dollar Tree and Family Dollar stores in Montana. No illnesses or adverse events have been reported to date in association with these products.

The most up-to-date information on this recall can be found here: [Colonna Brothers, Inc. Issues a Voluntary Recall for “1.5oz Marcum Ground Cinnamon & 2.25oz Supreme Tradition Ground Cinnamon” Because of Possible Health Risk Due to Elevated Lead Levels | FDA](#)

Following the October 2023 recall of cinnamon apple puree and applesauce products due to elevated lead levels linked to the cinnamon in those products and the concern for lead toxicity in children, the FDA initiated a targeted survey of ground cinnamon products from discount retail stores and analyzed the samples for lead and chromium. A variety of products from six distributors were recommended for recall by the FDA following this survey. Additional information about this alert can be found here: [FDA Alert Concerning Certain Cinnamon Products Due to Presence of Elevated Levels of Lead | FDA](#)

The following video has been released by the FDA, aimed at potential consumers of this product: [Things to Know About Lead in Certain Ground Cinnamon \(youtube.com\)](#)

The FDA will continue to work with manufacturers, distributors, and retailers to remove unsafe products from the market, and continue to investigate sources of contamination. The FDA did also send a [letter](#) to all cinnamon manufacturers, processors, distributors, and facility operators in the U.S. reminding them of the requirement to implement controls to prevent contamination from potential chemical hazards in food, including in ground cinnamon products.

-Kira

Lifeguard Requirements

When evaluating lifeguards during pool inspections, the first step is often to verify that they are certified, and that the facility is maintaining those certificates.

Equally as important is a written staffing plan that contains zones of patron surveillance which are clearly diagramed, and the lifeguards should be following the plan. This document is what inspectors will use to determine the required number of lifeguards. There should be at least one lifeguard per zone. Larger pools, or bodies of water like lazy rivers, may require more than one zone of patron surveillance to cover the entire body of water.

Standards for creating each zone of patron surveillance are listed in Circular FCS 3 Section 9.4. Some of these specific standards we expect to be covered by management, but one part of this that can routinely be included in the inspection is the requirement for lifeguards to be able to see the entire zone. There should be no areas of the pool in that zone that are hidden from view. If there are areas in the zone that the lifeguard cannot see, then management needs to create another zone to place a lifeguard in position to cover the blind spot.

Circular FCS 3 Section 9.1.8 requires lifeguards to remain attentive to bathers at all times and to minimize any source of distraction. I have been asked multiple times over the years if an on-duty lifeguard could double as a swimming instructor at the same time. Our office has consistently said no, this is too much of a distraction. The lifeguard needs to be attentive to their duties. I encourage pool inspectors to observe lifeguards for a few minutes to verify that they do not appear distracted while on duty.

Federal lawsuits are now being filed in a very sad case involving the untimely death of a 15-year-old girl at her high school swimming pool during P.E. class. Some of you may have read of this event happening last May in Indianapolis. She was under water for 53 minutes before anyone realized she was missing. The lawsuit alleges that there was a lifeguard on duty, but unfortunately, the lifeguard was also instructing a swimming class at the time of this teenager's death. It may also be true that the lifeguard's certification had been expired for nearly three years.

There are a number of other details and contributing factors alleged in this case. You are welcome to read the full news article [here](#). While reading, try to apply Montana law to this situation and determine if you would write these allegations as violations if you were to observe the same thing during an inspection. Would any of these allegations possibly be considered critical violations that would require immediate closure of the facility?

Please remember to check in on the lifeguards while you're inspecting municipal or voluntarily lifeguarded pools this summer. Your efforts could make a difference.

Sincerely, Erik

Temporary Events

A temporary event is defined in MCA 50-50-102 meaning a retail food establishment that in a licensing year either:

(a) operates at a fixed location for no more than 21 days in conjunction with a single event or celebration, or

(b) uses a fixed menu and operates within a single county at a recurring event or celebration for no more than 45 days.

Recently we have received a few questions on how to license a temporary event with numerous vendors. Some counties are licensing each vendor, depending on their food type/process and others are licensing the event itself. We recommend speaking with your county attorneys about the best option.

Depending on the operation, some vendors may have a wholesale license and not a retail license. This is only acceptable if the food items they are selling directly to consumers at the event are pre-packaged and shelf stable. If they are wanting to sell potentially hazardous products or sell and serve Time/Temperature Control for Safety (TCS) food, they will need a temporary food permit and/or a retail food license.

Thank you,

Sadie

Contact Information

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