Food Safety Advisory Committee

Dear Food Safety Partners,

As you read through this newsletter, you may notice references to our Food Safety Advisory Committee. This group of volunteers helps us collaborate better with our operators, and if interested, we encourage you to join.

As a member of the Food Safety Advisory Committee, you would be able to help us create policies, give us feedback on Health Department activities, get periodic updates and clarifications about food code and get to know your inspectors outside of inspections.

If you are interested in becoming a member or at least attending a meeting to decide if it’s right for you, please call or e-mail Jayme Schenk, Program Manager at: jaymes.parkstreet@co.waushara.wi.us. Let us know that you would like to be involved and we will send you notification and an agenda about 2 weeks before the next meeting.

Confirmed Fee Increases: Please Read

Since the Food Safety and Recreational licensing program was started in Tri-County in 2006, we have been able to maintain the same licensing fees each year for all of our establishments. It is quite possible we are the only health inspection program in the State that can make that statement.

We have been able to sustain these costs for a few reasons:

1. We have a conservative budgeting policy. If we can still use it, we don’t replace it (one of our inspectors is still using the first Nokia cell phone). When we order supplies we try to wait for sales or use coupons. We are always trying to reduce the need for supplies.

2. Some program costs are absorbed by Waushara County. Since our program started, we have had the use of Waushara County’s financial manager as well as additional program staffing for little or no cost to Tri-County. In an attempt to have accurate budgeting, we are now reimbursing Waushara County for more of those services.

3. We have had a lot of staff turnover. Though we are always sad to see our inspectors move on to new endeavors, it leaves us with some budget relief. It isn’t uncommon for it to take 2-3 months to fill staff positions. During which time, we are not having to pay staff wages.

Despite our best efforts to keep costs low, the following factors have made it necessary to increase fees.

1. The State is continually increasing their fees. You’re probably wondering why that matters to us. As part of our agent contract, for every license we issue, we are required to reimburse the State 10% of their corresponding fee. So as their fees increase, our reimbursement to the State increases as well.

2. The requirement that 100% of inspections and reinspections are completed each year. We have been continually improving our inspection frequencies, and can contribute some of that to a part time staff person.

3. Our Licensing program is not funded by taxes. It seems our taxes go up every year, but none of those funds go towards our FSRL program.

What does this mean for your license fees? The raise in fees is scheduled to take effect July of 2015 and an increase of 15% across the board has been approved. It was originally estimated that license fees would increase between 25 and 50% every few years, but our Food Safety Advisory Committee expressed that it would be preferable to have smaller increases more often.

For that reason, we tried to keep our initial increase low, and we will implement small fee increases each subsequent year. For budgeting purposes, anticipate a 1% to 5% yearly rise.

Please keep in mind that as a government agency, we are not allowed to “make money” on our licensing fees, so increases will be representative of true operating costs. Additionally, we hope that the implementation of our reinspection policy will keep budgeting demands low.
Upgrades Required when Operator Changes

Are you considering selling your bar, restaurant or grocery store? Thinking about buying one? When the operator of an existing food establishment changes, upgrades are likely required. There are two main reasons why: 1) the Wisconsin Food Code specifies an upgrade at change of operator, or 2) a facility has existing violations pertaining to upgrades.

The Wisconsin Food Code requires the following upgrades when there is a change of operator or when there is a major remodel:

1. The use of a prewash sink for handwashing is not allowed; therefore, a separate handwash sink will be required. (2-301.15)
2. Mechanical dishwashers must automatically dispense detergents and sanitizers and have a visual means to verify or an alarm to signal that products are being dispensed. (4-204.117)
3. A separate food preparation sink is required if food is thawed or washed below the flood level rim of a sink. A warewashing sink may no longer be used for food prep. The food prep sink drain must be air gapped. (4-301.16)

If there are existing violations involving facility or equipment deficiencies at time of change of owner or major remodel, correction of the violations will be required. Uncorrected violations may be the result of Tri-County working with an existing operator to make improvements over time due to financial constraints. Uncorrected violations may also be the result of Tri-County not yet obtaining correction for a repeat violation, or Tri-County just beginning to enforce a recent change in the Wisconsin Food Code. Tri-County typically requires correction of the following violations at change of operator or major remodel:

1. Removal of non-commercial equipment that does not meet the Wisconsin Food Code requirements or Wisconsin’s approved home-style equipment qualifications
2. Repairs to floors, walls and ceilings that are not easily cleanable (must be smooth, durable, and non-absorbent).
3. Removal or repair of work tables, storage shelves/cabinets, cooler and freezer shelves and other food equipment that is not easily cleanable (must be smooth, durable, corrosive-resistant, and non-absorbent).

4. Installation of a mop sink. The new Wisconsin Food Code (as of September 1, 2013) no longer allows use of urinals and toilets for disposal of mop water. Disposal of mop water on the ground surface is also prohibited. For existing facilities Tri-County may approve an alternative method, such as using an existing shower stall or a functional floor drain that discharges to an approved waste disposal system. However, at change of operator or major remodel, a mop sink or curb cleaning facility equipped with a floor drain shall be provided and conveniently located.

If you are considering selling (or buying) an existing food establishment, please contact the health inspector in your County. The inspector would be glad to discuss requirements specific to the facility and to complete a site visit, if needed.

Changes in Certified Food Manager Requirements

The Wisconsin Food Code requires that each restaurant be staffed by at least one certified food manager (CFM). The CFM has historically been required to complete an 8-hour class and pass an exam, and this certification would be applicable for 5 years. At the end of 5 years, the CFM was allowed to take a “refresher” course that consisted of only 4 hours of class followed by an exam. As of January 1, 2015, the Wisconsin Food Code no longer allows for the refresh course, and all CFM’s are required to complete 8 hours of training and pass an exam. Get your study hats on and look forward to learning more about food safety!

Penny for Your Thoughts

It is our goal here at Tri-County Environmental to keep our operators updated and provide the food safety resources you may need. One way of doing this is to send out our twice yearly newsletter “Food for Thought.” We try to post information that you will find interesting or that will benefit you, but without your feedback, it’s hit or miss. If there is anything you would like explained, or think would be valuable for everyone to know, give us a call or send us an e-mail. We are always looking for interesting topics to cover!
Online Inspection Reports

Recently there has been a push by the State to start posting food program inspection reports online. Though this idea has been mentioned in the past, we were under the impression that it could be years before decisions were made. With that said, we were notified a short time ago that the State is going live with the online inspection database in January.

What does this mean for Tri-County?
The State has allowed each licensing entity to decide if they would like to be included in the online database. This decision is to be made by the Board of Health in each of the 3 counties. Because we are one group serving 3 counties, we decided that the decision to be on the website should be unanimous.

If you are interested in sharing your thoughts with your County Board of Health, please check local newspapers for the agenda, or contact your Health Department for dates and times. Because of the number of boards we need to consult for approval, we will not make the January deadline, but if approved, we could be included as early as this spring.

What would be shared?
- Health Department Contact information
- Access to the databases of other counties using this program
- Licensing Status of each operation (permitted, closed)
- The name of your Certified Food Manager
- Pre-inspection, Routine inspection and Re-inspection reports
- Violations listed on those reports
- Temperatures and sanitizing information as listed on your reports
- The comments section would not be visible to the online user

The logistics
Food program inspection reports will be visible starting with those done in September of 2013. This was when the new food code was implemented, and because a lot of terminology changed, the hope was that reports would be easier to follow from year to year.

Reports will be added to the website 7 days after they are created. The hope was that if there were typos or changes that needed to be made, there would be time to do so before the reports were posted on the internet.

Only 3 years of reports will be kept online. Reports will drop off the website when the fourth year rolls around. Though the website will not contain “historical” reports, they are still public record and can be obtained at the Health Department with an open records request.

The Future?
For the time being, only food facility reports would be posted online, however it is the intention to allow access to all facility types in the future. Additionally, the State has allowed our local boards to decide whether we will participate in this online offering. If it is not approved in the coming months, we will be allowed to remain offline. With this said, there may come a time when this choice is no longer optional. The State oversees our programs and if it is decided that all reports should be viewed online, we would be required to comply. At this time, we have not heard anything to indicate this will happen in the near future, but it is our intention to keep you aware of the possibilities.

Reporting Reportable Illnesses

One of your cooks hasn’t shown up for work for 2 days. A waitress says she heard he’s been sick and went to the hospital walk-in clinic. On the third day, he comes back to work. As the operator of the restaurant, what do you do?

The Wisconsin Food Code requires operators to ensure their employees are aware of specific requirements of reporting illness. The purpose of these requirements is to minimize the risk of transmitting certain bacterial and viral contagions from passing from person to person through food. The requirements as the operator of the restaurant are very specific in the Wisconsin Food Code. The Person in Charge is required to notify the Health Department if a food worker has been diagnosed with any of the following diseases: Norovirus, Hepatitis A, Shigella, E-coli, Salmonella, and if a food worker appears jaundiced (yellowing of skin, whites of eyes).

It is very important to ensure that your food workers are aware of the need to report illnesses to you, especially if they sought medical treatment for their illness. We urge you to contact the Health Department regarding sick food workers - we can assist you in determining the best way to deal with your sick food worker to ensure safety of your facility and your customers.

On the reverse side of this page (Page 4) is a flow chart illustrating the action required by the person in charge when presented with a sick employee. Feel free to post this chart for reference in the future.
General Public and Presented with a Sick Employee
Wisconsin Food Code Fact Sheet #19a

Food Employee is Diagnosed with illness due to: Norovirus, Salmonella spp., Shigella spp., Shiga toxin-producing E. coli, Hepatitis A and other food borne pathogens or has SYMPTOMS of running or diarrhea.

- Employee reports to the person-in-charge
  - Person-in-charge must EXCLUDE employee
    - Person in charge must NOTIFY TRICOUNTY ENVIRONMENTAL HEALTH
      - Employee may be reinstated upon written approval of TRICOUNTY ENVIRONMENTAL HEALTH

  - Person-in-charge must RESTRICT employee
    - Employee may be reinstalled when medical documentation is provided to the person-in-charge that their symptoms are due to a chronic, noninfectious condition.

Symptomatic with: Fever, Sore throat with fever or draining pus-filled wound.

- Employee reports to the person-in-charge
  - Person-in-charge must RESTRICT employee
    - Employee may be reinstalled when no longer symptomatic and written approval is obtained from TRICOUNTY ENVIRONMENTAL HEALTH

Not symptomatic but stool positive for Salmonella spp., Shigella spp., Shiga toxin-producing E. coli.

- Employee reports to the person-in-charge
  - Person-in-charge must RESTRICT employee
    - Employee may be reinstalled when no longer symptomatic and approval is obtained from TRICOUNTY ENVIRONMENTAL HEALTH

Employee had onset of symptoms within the last 10 days or onset of symptoms of Hepatitis A in the last 14 days.

- Employee reports to the person-in-charge
  - Person-in-charge must EXCLUDE employee
    - Employee may be reinstalled when no longer symptomatic and approval is obtained from TRICOUNTY ENVIRONMENTAL HEALTH

Employee had onset of symptoms more than 10 calendar days ago.

- Employee reports to the person-in-charge
  - Person-in-charge must RESTRICT employee
    - Employee may be reinstalled when no longer symptomatic and approval is obtained from TRICOUNTY ENVIRONMENTAL HEALTH
The New and Improved Reinspection Policy

Each year the Tri-County Consortium is required to be either assessed or audited by the State. During our most recent Food Program audit, the State determined that our restaurant and retail food reinspection policy needs to be more strictly followed. As part of that policy, reinspections would take precedence over routine inspections.

Because of the time spent on reinspections, if one is scheduled, the corresponding fee will be charged regardless if the violations were corrected or not. Hopefully by charging this fee, we will be able to partially offset the increase in license fees.

Please take a moment to read the new reinspection policy detailed below as it was implemented July 1, 2014.

Reinspection Criteria for Food Establishments

Due to the amount of time and effort involved in conducting reinspections, the department implemented a reinspection fee on April 1, 2009. This fee helps cover the costs associated with the reinspection and provides an incentive for the proper operation of the facility and compliance with code requirements.

A reinspection and reinspection fee will be required under the following conditions:

- Three or more critical (priority) violations.
- Six or more total violations.
- One or more repeat critical (priority) violations.
- Three years of repeat non-critical (core or foundation) violations.

Clarifications:

Even if violations were corrected at the time of the inspection, if the above conditions occurred during the inspection, a reinspection will be scheduled.

At the time of the scheduled reinspection, even if the violations have been corrected, a reinspection fee will be assessed for inspector time spent.

All violations must be corrected at the time of the scheduled reinspection or another reinspection will be scheduled.

After the third reinspection, enforcement proceedings will begin.

What is the charge for reinspection work?

The reinspection fee increases if additional reinspections are required.

- First Reinspection—$100
- Second Reinspection—$200
- Third Reinspection—$400

For facilities that have had a reinspection for critical violations:

If a critical violation was corrected at the last reinspection, but is observed again at the next routine inspection, you will incur the next higher reinspection fee for the following reinspection.

For example: During an annual inspection, cold holding, hand washing and bare hand contact are written up. A reinspection is scheduled. These violations are corrected. A $100 reinspection fee is assessed. At the next annual inspection cold holding is out again, so another reinspection is scheduled and a $200 reinspection fee is assessed.

This may seem harsh, but if these violations are found after the reinspection process, it indicates to your inspector that the facility’s processes have not changed/improved, and were simply corrected in time for your scheduled reinspection.

What happens if the inspector returns to reinspect and the violations have not been corrected?

Uncorrected critical violations will result in a subsequent reinspection being performed at a higher cost. If violations remain uncorrected after a third reinspection, the facility may be scheduled for an enforcement conference, be cited or have their license revoked or suspended.

Do I pay the inspector for the reinspection and what happens if the reinspection fee is not paid?

Your public health sanitarian will not collect your reinspection fee, but they will send the paperwork to the financial office and you will be billed for the reinspection fee. If the reinspection fee is not paid, your license will not be issued for the following licensing year. Additional fees may be assessed as well as your license being voided.

What happens if I can’t get the violations corrected by the compliance date?

If you run into problems and will not be able to correct the violation(s) before your reinspection date, call your public health sanitarian as soon as possible, and request an extension. If an extension is granted a new reinspection date will be given for compliance. Extensions are the exception rather than the rule, so make sure you have a valid reason for the request. Extensions will not be granted on the day the public health sanitarian arrives to do the reinspection.

Is there a charge if I request a public health sanitarian to visit my facility?

Absolutely not! We encourage operators and public health sanitarians to work together to solve problems. We welcome calls from operators if they have questions or problems.
Operator Emails

Frankly put, Tri-County Environmental would like your email address. In an attempt to keep program costs low, we are hoping to phase out (or greatly reduce) the use of mailers. Though we do not send many letters, Tri-County has around 900 operators and the cost of sending letters to everyone adds up quickly.

Possible uses of your email address include:

- Our twice yearly newsletter, Food For Thought. These mailers use a lot of paper, envelopes, printing and postage. We would like to continue to keep you up-to-date with safety and program information, but we are always trying to find ways to be mindful of our budget.

- Notification of Public Comment periods for Health Code. When Health Code changes, the State puts out a notice in hopes that operators and the general public will provide their perspective. These announcements are published for public viewing, but often the State will email inspectors to notify them of these opportunities. Unfortunately, we are usually given about a week’s notice. That is not enough time for us to prepare a mass mailer, send the information to you, and give you adequate time to look over and comment on the changes. In addition, the proposed code and explanations typically exceed a hundred pages. This is not something we can print and send to each operator, but the emails sent to us by the State contain attachments with all of the applicable documents. Though physically sending copies of these documents is not possible, we would like to provide you access to the information as we receive it. Email is a quick and easy way for us to do that. Even though we feel this information is terribly important for every operator to have, for the reasons listed above, these messages will only be sent to those with current email addresses on file.

- Emergency or Backup contacts. Sometimes phone numbers change. If we are in a situation where we need to get a hold of you and cannot find a valid phone number, one possibility would be to send a letter. Though this happens very rarely, having an updated email address would allow us to get a hold of you faster and without postage.

We understand that some folks do not have an email address, so this may not be possible for you. But for those that do, this is what we are asking: at next renewal, please include a current email address when you return your licensing packet. These will be kept on our system to be used sparingly for the above mentioned reasons.

A couple quick clarifications:

- Your personal and business information will not be shared or sold to any other entities. Your information would be stored on a secure network that is only accessible to Tri-County employees with a State approved account and password.

- Licensing packets would still be sent via the post office.

Temporary Food License Fees for Restaurants

Tri-County is reducing the temporary food stand license fee from $120 to $40 for operators that hold a Tri-County restaurant license. Restaurants licensed by Tri-County may sell food for up to 14 consecutive or 20 non-consecutive days at a single location for $40. The event must be part of a celebration, such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion. For example, if a restaurant operator licensed in Tri-County wants to participate in Green Lake’s Harvest Fest, Taste of Wautoma, Coloma Chicken Chew or one of our county fairs, the restaurant operator must complete Tri-County’s Temporary Food Stand application and pay a $40 fee. The fee must be paid ahead of time and is charged whether or not Tri-County inspects during the event. A new application must be completed and another $40 fee must be paid for each event. An application and information about operating a safe food stand may be obtained by contacting your inspector or by accessing the health department web site in your county.

A reminder that all food served to the public must be either prepared at the temporary food stand or in a commercial kitchen. No food preparation may occur in a private home, with the exception of preparing non-hazardous baked goods.