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## Governance Committee

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September 16, 2019

**Chair:** Heather Borski

**Present:** Dr. Marc Babitz for Dr. Joseph Miner, Heather Borski, Curtis Burk for Paul Patrick, Ralph Clegg, Lloyd Berentzen, Gary Edwards, Jeff Combs, Jerry Edwards.

**Phone:** Jill Parker

**Visitors:** Chris Nelson, Janae Duncan, Braden Ainsworth, Christy Cushing

**Voting Members:** Dr. Joseph Miner, Heather Borski, Curtis Burk for Paul Patrick, Ralph Clegg, Lloyd Berentzen, Jeff Combs

**Co-Chairs:** Heather Borski & Jeff Combs

### Minutes

Approve minutes from August 5, 2019 Governance meeting.

**Motion to approve: 1st:** Ralph Clegg **2nd:** Curtis Burk for Paul Patrick

**Voting Members:** Dr. Marc Babitz for Dr. Joseph Miner, Heather Borski, Curtis Burk for Paul Patrick, Ralph Clegg, Lloyd Berentzen, Jeff Combs

### 2020 UDOH Self-Assessment - Chris Nelson

- Utah jurisdictions currently involved in the Retail Standards Program
- Salt Lake County is one of the few nationwide that have met all 9 retail standards.
- The FDA created these to provide uniformity to food safety programs nationwide.
- There are 9 standards the FDA asks food safety programs to comply with:
  - [Regulatory Foundation](#)
  - [Trained Regulatory Staff](#)
  - [Inspection Program Based on HACCP Principles](#)
  - [Uniform Inspection Program](#)
  - [Foodborne Illness and Food Defense Preparedness and Response](#)
  - [Compliance and Enforcement](#)
  - [Industry and Community Relations](#)
  - [Program Support and Resources](#)
  - [Program Assessment](#)
- A risk assessment must be done for retail food inspection results to see any trends in food-oriented illnesses and track any violations.
- The most amount possibly awarded from these grants is \$3,000.
- There are four different categories of grants:
  - 1) Small Project. A small project to verify that you met the standard, are going to meet the standard, or that you will work on partial compliance with the standard.
  - 2) Large Project. This grant awards up to \$10,000.
  - 3) Training Grant. Afto will reimburse travel costs up to \$3,000 for any staff training related to food safety. There is no limit to the number of people this can be used for up to \$3,000.
  - 4) Food Safety Task Force involvement. Funds travel to Task Force meetings.
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- The grant proposed at this Governance is the Category One Small Project Grant.
  - The project proposed is a 2020 UDOH Self-Assessment of all 9 standards for UDOH.
- Self-Assessments are done upon enrollment into the program and then every five years.
- This will be the fourth UDOH Self-Assessment. Currently meeting 3 standards.
- The next grant applied for is described in the next agenda item.

#### Exempt - No Vote

#### Training 2020 - Chris Nelson

- Training 2020 is proposed for the Category Three Grant mentioned above.
- Training 2020 will send 1-2 staff members to the next Southwest FDA Conference in 2020.
  - This conference is a requirement to keep FDA Training Standards certification.
- The conference includes training on verification audits and standardization inspections.
- Conference attendees will then go to the local health departments and train their specified trainer, usually the employee in charge of the food program.
- Environmental Health Director decides who receives annual training.
- Standardization is good for 3 years.
- Technically this is a competitive grant however, there is enough available that funding is usually awarded when applied for.

#### Exempt - No Vote

#### Other Agenda Items:

- **E-Cigarette Rule** - Jill Parker, Gary Edwards, Lloyd Berentzen (handout)
  - Emergency Rule Change took place last week and the rule change has been tabled at this time.
    - This rule only applies to open systems.
  - Dr. Miner has suggested sending a letter to retailers informing them of the rule as a way to facilitate negotiations with the industry in writing a new rule.
  - A document was shared with the health officers on some options to move forward with.
    - **Do nothing.** Possible Outcome:
      - Industry has time to plan and gain support.
      - The issue fades in the minds of the media and public.
      - We lose the upper hand.
    - **Implement New.** Possible Outcome:
      - We get open systems off the market.
      - Maybe open more on the black market.
      - Legislature may operate with the belief the problem has been addressed and we get little or nothing this session.
      - If FDA ever does make a ruling on open systems and e-liquid, and the legislature does not act (see previous bullet), we are back to where we are now.
      - They ask to negotiate or there is a stay imposed by the courts, draggin on till session and beyond.
    - **Tell industry we/they have until November 1<sup>st</sup> to negotiate an agreed to plan.** Possible Outcome:
      - Interested legislators with us, on our side.
      - Other legislators see us trying to resolve the issues.
      - Legislators want things to happen.

- We strike while the “iron is hot.”
  - We continue to be in the driver’s seat.
  - Bills during the session are “easy” because they were agreed to.
  - Get agreement on naming, appearance, sales games, flavors, age 21, grandfathering, etc., all prior to the session.
  - If no negotiation, implement current state and make public announcement that industry was not willing to address the problems.
- Most health officers agreed that the third option would be best choice moving forward.
  - This will be put on the Health Officer’s Meeting agenda to ensure a unified approach.
  - The state has advised against any enforcement action at this time.
  - The industry wanted the amendment to the rule to align with FDA rule.
  - November 1<sup>st</sup> date is suggested by Gary Edwards to resolve this issue prior to legislative session.
  - The industry would negotiate with a multi-agency stakeholder advisory group that includes public health partners and local health departments.
  - The biggest negotiator in the past session was Dave Davis, Retailers Association, more so than the vape shops.
  - Governance agrees to November 1<sup>st</sup> so as not to enter legislative session with this unaddressed.
  - November 1<sup>st</sup> date will be on the Health Officer’s next agenda.
  - Must receive Governor approval.
  - Health Officer representative will be identified at the next officer’s meeting.
  - Jill Parker recommends inviting Representative Ray and Senator Vickers to the discussion.
    - If Senator Vickers does not attend, it is recommended that he is kept informed.
  - It is recommended to invite Senator Bramble to the discussion as a neutral representative as he is pro-business.
  - Aligning with FDA will allow use of FDA resources to enforce rule.
  - Any money associated with this issue must stay with this issue.
  - No money will come to the Department of Health. Money is allocated to local health departments and treatment.
  - Testing requirements may be expanded to include more content.
  - Product or retailer will be randomly testing for quality control until the FDA acts.
    - Shops will be responsible for what is on their shelves.
  - The Department of Agriculture is currently doing random testing on CBD. If CBD has not been approved by the Department of Agriculture, it is prohibited from being sold.
  - Janae Duncan and Braden Ainsworth will create a group to discuss the best way to implement rules and restrictions on vaping with the industry.
  - This group will contact the industry, Mr. Davis, and assign a local health department as well as other public health department representatives.
    - Jill Parker will be in touch regarding local health department representatives.
    - The final decision will be made outside of the meeting.
  - Jill Parker will discuss this issue with Senator Vickers and ask for his thoughts on the best way to implement this rule and the plans of action in place.

**Next Meeting - October 7, 2019 - 11:30am - Room 401**

### **Motion to adjourn**

**Motion 1st:** Lloyd Berentzen **2nd:** Jeff Combs

**Voting Members:** Dr. Marc Babitz for Dr. Joseph Miner, Heather Borski, Curtis Burk for Paul Patrick, Ralph Clegg, Lloyd Berentzen, Jeff Combs