

Washington State

# Retail Food Safety Advisory Council | FSAC

## Purpose & Procedures

### Purpose

There are over forty regulatory authorities charged with oversight of the food served at retail food establishments in Washington State and who enforce the food service regulations within chapters 246-215 and 246-217 of the Washington Administrative Code. The Washington State Food Safety Advisory Council (FSAC) works in partnership with the Washington State Department of Health to provide guidance for consistent education, application, and implementation of food safety requirements to the affected regulatory and industry partners.

### Mission

The mission of the FSAC is to foster public and private sector communication and cooperation and to promote food safety through the consistent implementation and evidence-based application of the Washington State Retail Food Code.

### Scope

The Council reviews submitted issues concerning inconsistent practice and evaluates technical interpretations to promote food safety through evidence-based application of the state's retail food code. The Council also reviews application of food safety laws and rules, emerging food safety issues, and novel practices within Washington retail food facilities to provide suggested comments to Department of Health for rule modification proposals to the state board of health.

The scope of the Council is limited to:

- Reviewing new or emerging food handling practices and processes ineffectively or inequitably addressed in the Washington State Retail Food Code
- Evaluating guidance on equivalency determinations and adopting uniform, sound procedures that can be accepted by regulatory agencies and industry
- Communicating stakeholders' issues and advocating within stakeholder groups for food safety determinations produced by the Council
- Facilitating communication to all stakeholders regarding FSAC-related food safety activities and actions
- Providing recommendations to the Washington State Board of Health for revisions to Chapters 246-215 or 246-217 WAC

### Council Structure

1. The structure of the FSAC reflects diverse stakeholders (numbers indicate voting members):
  - a. Local Health Jurisdictions – 4 (2 eastside/2 westside)
  - b. Food and Drug Administration – 1
  - c. Department of Health – 1
  - d. Restaurant – 1
  - e. Grocery – 1
  - f. Schools or Institutions – 1
  - g. Mobile Food Unit – 1
  - h. Farmers Market/Local Food/Temporary Food – 1

- i. Tribal – 1
- j. Consumer/Academia – 2
2. Each member shall have a 2-year term. No term limits apply.
3. At the end of a full term or as replacements are needed, vacant positions shall be filled by a person selected from the represented sector. The representative shall have technical expertise in food safety and have experience working in a collaborative workgroup environment.
4. Any member that misses more than 3 scheduled meetings may be asked to step down from the Council.
5. Alternates may be designated for any position and shall be named by the permanent member of the affected stakeholder group. It is the responsibility of the representative to keep their alternate fully informed about Council issues. Alternates have the same rights and responsibilities as a permanent member. If both the permanent member and the alternate attend a meeting, only the permanent member may vote.

## **Meeting Procedures**

1. The Food Safety Advisory Council has 14 voting members.
2. Voting procedures:
  - a. Each member including the chair has one vote.
  - b. Votes shall be taken electronically when consensus can't be reached during the meeting.
  - c. A 2/3 majority shall be required for all decisions.
  - d. Votes shall be considered final if at least 9 of the permanent members, or designated alternates, are present.
3. Meetings shall be held at least semiannually. Meetings may be canceled if there is insufficient business to conduct a meeting.
4. Agendas will be mailed to all members at least 2 weeks prior to the meeting.
5. All meetings shall meet the requirements of Open Public Meetings Act (Chapter 42.30 RCW).
6. Oral and/or written testimony is acceptable.
7. A written summary of all meetings and actions will be kept and posted online.

## **Issue Submission and Council Recommendations**

### **Issue Submission**

1. Any person or entity, including any member of the Food Safety Advisory Council (FSAC), can submit an issue for consideration.
2. All issues must be submitted to the FSAC Coordinator using the Issue Submission form.
3. The FSAC Coordinator will review the issue to ensure that it fits within the scope of the FSAC and will respond to the submitter if and when it will be placed on the agenda.
4. Issues that do not fall within the scope of the FSAC shall be returned to the submitter and provided to the Council with an explanation through electronic mail.

- a. If the issue is outside of the scope of the FSAC but identifies a problem with consistency of implementation between counties, a copy shall be sent to the Chair of the Environmental Health Directors' Committee.
  - b. If the issue is outside of the scope of the FSAC but identifies a problem within a specific county, a copy shall be sent to the Environmental Health Director and the Food Program Supervisor in the identified county.
5. In order to allow time for distribution to FSAC members, issues must be submitted to the FSAC Coordinator at least 30 days prior to the next meeting of the FSAC. Late submissions will not be considered until the next scheduled meeting.
  6. If an issue is tabled, the FSAC Coordinator will gather any additional information requested by the FSAC to assist the council in making a recommendation. The original submitter will be notified of the status of the issue and the date of the meeting that the issue will be next discussed.
  7. Once a specific issue has been submitted and considered by the FSAC, that issue cannot be submitted again unless there are new facts and circumstances that make it appropriate for the FSAC to consider the issue again.
  8. Once a recommendation has been developed and accepted by the Department of Health, the submitter will be notified of the final disposition of the issue.

## Council Recommendations

1. FSAC recommendations will be documented following format approved by the Department of Health and will include:
  - a. A description of the issue;
  - b. A discussion of the background and public health significance;
  - c. The interpretation or other recommendation as determined by the FSAC; and
  - d. A list of limitations and examples of the applicability of the interpretation in specific situations.
2. Council recommendations will be implemented in the manner determined by Department of Health, which may include an advisory interpretation, a model policy, or a recommendation to the State Board of Health for a rule change.

## Communication Procedures

1. Means of communication: A primary goal of the Council is to increase consistency of food safety practices in regulatory and industry partners. In order to facilitate consistency and awareness, multiple communication channels will be used.
  - a. Department of Health Mailing Lists: The established mailing lists for the dissemination of information about its public processes will be used in communicating decisions produced by the Council. This may include e-mail lists for the environmental health directors, food program supervisors, industry groups, list serves, and stakeholder regular mail lists.
  - b. Stakeholder Meetings: Decisions should also be presented at meetings of groups such as the Statewide Environmental Health Directors group, the State Board of Health, Food Advisory Boards, and at industry association board meetings.
  - c. Conferences: Department of Health annual Food Program training/workshops should include and highlight decisions on Code interpretation and application based on work

done by the Council. In addition, statewide conferences where staff and owners/operators are in attendance are good forums for the communication of Council actions.

- d. Websites: All decisions will be posted on the Department of Health website and identified as work done by the Council. Every effort should be made to promote the website as an information sharing and educational vehicle. All local food programs and industry trade groups should provide links on their respective websites to Department of Health's posting of FSAC-related work.
  - e. Newsletters: Space in partner newsletters should be utilized as needed to publicize the food safety decisions of the Council.
2. Annual Report: At the end of each calendar year, Department of Health will create a summary compilation of activities conducted by the Council for electronic sharing with stakeholders. At a minimum, the following items will be included in the summary: issues submitted, a list of issues reviewed, recommendations, and list of council members.

## **Council Member Responsibilities**

### Department of Health Responsibilities

1. Department of Health shall be responsible for setting the agenda for each meeting.
2. Department of Health shall preside as Chair over the meeting.
3. Department of Health shall limit written and oral testimony to only that dealing with food handling and safety issues.

### Council Member Responsibilities

1. The primary responsibility of Council members is to ensure protection of public health and all decisions and recommendations shall be guided by this responsibility.
2. Council members shall objectively consider all information, including background information, written testimony, and oral testimony.
3. Council members shall communicate Council decisions and recommendations to all stakeholders and interested parties.
4. Council members shall ensure that issue information, testimony, and deliberations are limited to food handling and safety.
5. Council members shall participate in all meetings of the Food Safety Advisory Council.
6. In the event that a Council member is unable to participate in a meeting, they shall notify their alternate.
7. Council members shall keep their alternates informed of all issues before the Food Safety Advisory Council.
8. Council members will not use the Council to promote personal or non food safety activities.
9. Council members shall serve as a resource to the stakeholders they represent on the decisions and recommendations made by the Food Safety Advisory Council.

## Council Member Alternates Responsibilities

1. Council member alternates shall assume all responsibilities of the absent member they represent.
2. Alternates shall stay current on issues before the Food Safety Advisory Council to ensure their informed participation.
3. If a member steps down from service, their alternate shall assume the position on the Council for the remainder of the term subject to approval of the Food Safety Advisory Council and the stakeholder group they represent shall be asked to appoint a new alternate.

## Council Coordinator Responsibilities

The Food Safety Advisory Council Coordinator will be staffed by the Washington State Department of Health's Food Safety Program. The FSAC Coordinator will have the following responsibilities:

1. Setting the date and location of FSAC meetings.
2. Sending meeting notices and materials to members and other interested parties at least two weeks before each FSAC meeting.
3. Preparing the agenda and meeting materials for each FSAC meeting.
4. Managing the logistics for FSAC meetings.
5. Reviewing all issue submissions to:
  - a. Make a determination about the appropriateness of each submission to the purpose and scope of the FSAC.
  - b. Prioritize issues submitted to the Council for consideration. Prioritization will be based on:
    - i. The degree of food safety hazard posed by the proposed issue; and
    - ii. The number of food establishments potentially affected by the issue.
6. Collecting background information on issues as requested.
7. Preparing and distributing the meeting summaries from Council meetings.
8. Maintaining a current list of Council members and their terms of service.
9. Preparing and distributing finalized interpretations of the FSAC.
10. Maintaining a database of contact information for parties interested in receiving finalized interpretations of the FSAC.
11. Maintaining archives of all FSAC decisions and interpretations.
12. At least 3 months prior to the expiration of any member's term, the Council Coordinator shall send a request to the organization representing the council member who is leaving asking for a new representative (and alternate, if desired). Upon receipt of the notification of the new member names, the FSAC Coordinator will send out a welcome with the orientation packet which includes Council roster, FSAC policies and procedures, meeting schedules and a copy of all current FSAC interpretations.