FOOD ADVISORY COMMITTEE MEETING
3:00 PM – 4:30 PM; Wednesday, March 30, 2022
LLCHD, 2nd Floor Room 2135
3131 O Street, Lincoln, NE 68510
Proposed Agenda

WELCOME TO EVERYONE. THE FOOD ADVISORY COMMITTEE MEETING COMPLIES WITH THE OPEN MEETINGS LAW AND A COPY OF THE OPEN MEETINGS LAW IS POSTED AT THE HEALTH DEPARTMENT.

I. Roll Call – Jayne Stratton

New FAC Members:
- Lisandra Jorge – El Centro De Las Americas
- Jason Thiele – Runza National

II. Approval of Agenda – Jayne Stratton

III. Approval of Minutes from the November 18, 2021 Meeting – Jayne Stratton

IV. New Business – Action Items
- Update to Policy 222.85 – Food Advisory Committee Policy – Daniel
- Update to Policy 222.37 – Routine Food Establishment Inspections Policy – Daniel
- Update to Policy 222.04 – Enforcement Hearings, Administrative Meetings, and Inspection Report Appeals Policy – Daniel

V. New Business – Informational Items
- FDA Standards Update / 2021 Standards Report – Daniel
- NEHA - FDA Grants Update – Danie1/Rief
- On-Line Foodhandler Conversion to Spanish – Daniel

VI. Public Session – Jayne Stratton
Any person is free to speak to any item on this agenda at the time it is discussed. Any person wishing to address the Committee on a matter not on this agenda may do so at this time.

VII. Adjournment
If you are not able to attend, please contact Justin Daniel at jdanieldlincoln.ne.gov or 402-441-8033.

This agenda will be kept continually current and will be available for public inspection within the Lincoln-Lancaster County Health Department during normal working hours. A copy of the Open Meetings Law is posted at the Health Department.

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public’s access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln please contact Marcia Huenuink at the Lincoln-Lancaster County Health Department at 402-441-8634 as soon as possible before the scheduled meeting date in order to make your request.
FOOD ADVISORY COMMITTEE MEETING MINUTES  
Thursday, November 18, 2021  
3:00 – 4:30 p.m.

WELCOME TO EVERYONE. THE FOOD ADVISORY COMMITTEE MEETING COMPLIES WITH THE OPEN MEETINGS LAW AND A COPY OF THE OPEN MEETINGS LAW IS POSTED AT THE HEALTH DEPARTMENT.

I. Roll Call – Linda Dennis – Justin Daniel called the meeting to order in the absence of Linda Dennis

Members Present: Andrew Ashford, Rick Young, Julie Albrecht, Suzanne Schneider, Zoe Olson, Dr. Jayne Stratton, Kely Knudsen, Minh Nguyen, Suzanne Schnieder

Members Absent:Ansiey Feller, Andrew Tipton, Jay Jarvis

Staff: Scott Holmes, Justin Daniel, Renae Rief, Nancy Ghilarducci, Marcia Huenink

New FAC Member:
Andrew Ashford – Lincoln Public Schools - Justin introduced Andrew to the committee.

Expiring Term Limit Member (January 31, 2022):
Linda Dennis – Runza National

II. Approval of Agenda – Linda Dennis
Linda Dennis asked if there were any corrections or additions to the agenda.

Motion: Moved by Zoe that the agenda be approved as printed. Second by inaudible. Motion carried 9-0.

III. Approval of Minutes from the January 6, 2021 Meeting – Linda Dennis
Linda Dennis asked if there were any additions or corrections to the minutes from the January 6, 2021 meeting.

Motion: Moved by Kelly that the January 6, 2021, minutes be approved as printed. Second by Zoe.
Motion carried 9-0.

IV. New Business – Action Items

Justin provided an overview of the policies that are being reviewed and brought before the FAC. The FAC then makes any recommendations for changes, the policies are then brought to the BOH for approval. Policies are typically reviewed every 3-5 years.

· Update to Policy 222.31 – Food Establishment Enforcement – Daniel – Justin provided an overview of this policy and how it is used as a guide when enforcement is needed. There were no substantive changes/updates to this policy other than language clean up.

Motion: Moved by Julie Albrecht that changes/updates to Policy 222.31 be approved and forwarded
to the BOH for approval. Seconded by Dr. Jayne Stratton. Motion carried 9-0

• **Update to Policy 222.37 – FH & FM Enforcement Policy** – Daniel - Justin provided an overview of the changes/updates to the policy. This includes updating language from potentially hazardous food to Time/Temperature Control for Safety Food and updating the employee list for food handler and RBST information.

  Motion: Moved by Rick Young that changes/updates to Policy 222.37 be approved and forwarded to the BOH for approval. Seconded by Julie Albrecht. Motion carried 9-0

• **Update to Policy 222.38 – Inspection Intervals** – Daniel - Justin provided an overview of the changes/updates to the policy. This includes updating language from potentially hazardous food to Time/Temperature Control for Safety Food and clarifying examples for establishment facility types.

  Motion: Moved by Kelly Knudsen that changes/updates to Policy 222.38 be approved and forwarded to the BOH for action. Seconded by Julie Albrecht. Motion carried 9-0

• **Nomination of a new FAC Chair & Vice Chair** – Daniel
  Chair Nominations – Dr. Stratton did indicate a willingness to fulfill the role. Motion by Julie Albrecht to accept Dr. Stratton’s nomination to serve as chair for the FAC. Seconded by Suzanne Schneider. Motion carried 9-0

  Vice Chair Nomination – Jay Jarvis expressed a willingness to serve as Vice Chair. Motion by Julie Albrecht to accept the nomination to appoint Jay Jarvis as the Vice Chair for the FAC. Seconded by Kelly Knudsen. Motion carried 9-0.

V. New Business – Informational Items

• **FDA Standards Update** – Daniel – Justin provided an update to the group via a PowerPoint Presentation on where we are with meeting the FDA Standards. LLCHD received a $2500 grant for completing a self-assessment on all 9 FDA Standards. We currently do self-assessments and verification audits on 1-2 FDA Standards each year. LLCHD received a $3,000 grant to conduct a self-assessment and verification audit of FDA Standards #1 and #5 in 2021.

• **Grants Update** – Daniel – Justin provided an update on grants. LLCHD received a $2500 FDA Training grant for staff to participate in a Special Processes Training offered by the North Carolina State Extension Office, and an $18,000 grant to update computer needs for inspection staff. Currently the tablets that inspection staff are using are over 5 years old. Justin also provided an update for FDA grants for the next 3 years. Grant applications were due this week. The FDA grants are now being distributed through NEHA. One of the new grants that we applied for is a Mentorship grant. LLCHD has been participating in the FDA Standards since 2001. LLCHD applied for the opportunity to mentor a peer jurisdiction or agency to assist them in working through the FDA standards. Zoe asked if the agency would be within Nebraska. Justin indicated when they submitted the application, he asked for a similar entity within the Midwest. Scott provided additional information on LLCHD’s participation in the FDA standards and willingness to mentor peer agencies.
VI. Public Session — Linda Dennis

Any person is free to speak to any item on this agenda at the time it is discussed. Any person wishing to address the Committee on a matter not on this agenda may do so at this time.

Scott asked the FAC members what things were like and the challenges they are facing? Industry members described the challenges primarily with staffing and supply chain shortages.

VII. Adjournment
If you are not able to attend, please contact Justin Daniel at jdaniel@lincoln.ne.gov or 402-441-8033.

Linda Dennis asked for a motion to adjourn the meeting. Motion to adjourn by Kelly Knudsen. Second by Julie Albrecht. Motion Carried 8-0.

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POLICY STATEMENT:

The Food Advisory Committee is established to advise the Lincoln-Lancaster County Board of Health regarding the effective regulation of the food industry as a means to protect the health of the public. Members of the Committee will be appointed by the Board of Health nominations prepared by the Health Director or his/her designee. The Health Director will solicit the Nebraska Restaurant Association, Nebraska Grocery Industry Association, the general public and any other entity with an interest in the operation of the program. The Committee shall have at least 12 members; eight will represent the industry and four the general public. At no time will the number of industry members exceed the general public representatives by more than six members.

PROCEDURE:

I. The members of the committee shall be appointed in accord with Policy 100.30 - Appointments and Functions of the Department Advisory Committee.

II. The Food Advisory Committee shall meet at least once a year. The Committee shall review the Food Code, program policies, compliance with FDA’s Voluntary National Retail Food Regulatory Program Standards, and annual report. Additional meetings may be called by the Health Director, Board of Health, or Committee Chair.

III. The objectives of the Food Advisory Committee as specified in the committee by-laws ( Exhibit 1) are:

1. Advise the Department about ways to meet and maintain the FDA’s Voluntary National Retail Food Regulatory Standards for LLCHD’s Food Safety Program.

2. Assess the degree of compliance with and regulation of the Lincoln Food Code to assure that the health of the public is protected.

3. Provide guidance regarding objectives for the effective food safety education in Lincoln-Lancaster County.

4. Review and propose revisions to the Lincoln Food Code and LLCHD food program policies.

5. Review the annual report of the program to assure the effectiveness of the program.
Lincoln Lancaster County Health Department
Food Advisory Committee By-laws

Rules

Article I - Name
The name of the committee shall be: Food Advisory Committee.

Article II - Objectives
1. Advise the Department about ways to meet and maintain the FDA’s Voluntary National Retail Food Regulatory Program Standards for LLCHD’s Food Safety Program.
2. Assess the degree of compliance with and regulation of the Lincoln Food Code to assure that the health of the public is protected.
3. Provide guidance regarding objectives for the effective food safety education in Lincoln-Lancaster County.
4. Review and propose revisions to the Lincoln Food Code and LLCHD food program policies.
5. Review the annual report of the program to assure the effectiveness of the program.

Article III – Membership

Section 1 - Number
The membership of this committee shall consist of at least twelve members. The Health Director or his/her designee shall serve as an ex-officio, non-voting member.

Section 2 - Composition
At least four members shall represent the general public, without conflict of interest. At least eight shall represent regulated establishments. If additional members are added above the minimum, the number of industry representatives over consumer members may not exceed six. The Nebraska Restaurant Association, the Nebraska Grocery Industry Association and the Lincoln Public Schools shall each have a representative on the Committee.

Section 3 - Appointment
The members of the Food Advisory Committee shall be appointed by the Lincoln-Lancaster County Board of Health. The Health Director or his/her designee shall prepare a slate of nominees from the Nebraska Restaurant Association, Nebraska Grocery Industry Association, any interested organization, and the public.

Section 4 - Term of Office
Except for the industry members from the Nebraska Restaurant Association, the Nebraska Grocery Industry Association, and the Lincoln Public Schools, appointments shall be for four-year terms. The members representing the Nebraska Restaurant Association, the Nebraska Grocery Industry Association, and the Lincoln Public Schools, shall not have a term limit. No other member may serve more than two full consecutive terms. Vacancies occurring through resignation, or for other reasons, shall be filled by
the Board of Health. The person so appointed shall hold membership for the unexpired term of the former member. Terms for members shall expire in the month of January.

Section 5 - Meetings
Regular meetings of the Committee shall be held at least once each calendar year in the Health Department at a time and place agreed upon by the Committee members. Special meetings may be called at any time by the chair or Health Director or his/her designee. Notices of all meetings shall be mailed and posted by the secretary, to the membership and public in accord with the Nebraska Open Meetings Law. In addition, all meetings shall be conducted in conformance with the Nebraska Open Meetings Law. The Minutes of each meeting shall be prepared and filed with the Lincoln-Lancaster County Health Department within 10 days.

Section 6 - Quorum
For regular or special meetings of the Food Advisory Committee, a quorum shall consist of a simple majority of the current voting membership. The affirmation by a simple majority of current members is required for any official action of the committee.

Section 7 - Rules of Order
Roberts' Rule of Order will be used at meetings. By agreement of all members present, business may be conducted by consensus.

Section 8 - Presence of Members
Each member is expected to attend all meetings of the Food Advisory Committee. Upon two consecutive absences, the Chair shall notify the member that a third consecutive absence shall be cause to request resignation of said member's appointment.

Article IV - Officers

Section 1 - Number of Officers and Their Duties
The Officers of the Committee shall include the chair and vice chair. Staff will serve as secretary to the committee, without vote. Their duties shall be such as are usually performed by such Officers, and such other duties as the Committee shall prescribe.

Section 2 - Election
The officers shall be elected by the Committee from a slate previously prepared and submitted by a subcommittee on nominations.

The election of the Officers shall be voted by ballot; a majority of the votes cast shall be necessary to elect.

Section 3 - Term of Office
The term of office shall be two years. All officers shall be eligible for reelection.
Article V - Subcommittees

Section 1 - Appointment
Such subcommittees as the Committee considers necessary shall be appointed by the chair. The chair of all subcommittees shall be members of the parent committee.

Article VI - Amendments

The By-laws may be amended or annulled subject to approval of the Board of Health at any regular meeting by a majority vote of the entire membership, provided notice of the proposed adoption, amendment, or annulment shall have been sent to each member two weeks before such meeting.

Ratified by the Lincoln-Lancaster County Board of Health this 14th day of October, 2008

______________________________
Lisa Peterson, President
POLICY STATEMENT:
Routine inspections of food establishments shall be conducted as standardized as per policy 222.01 Food Safety Program Quality Improvement and Standardization by the Nebraska Department of Agriculture, the Nebraska Food Code, the Nebraska Pure Food Act, the Lincoln Food Code, and this policy. Inspection intervals are established by Policy 222.38, Inspection Intervals. Routine and follow up inspections shall be unannounced unless there are unusualmitigating circumstances. Environmental Health Specialists shall conduct inspections in accordance with this policy.

PROCEDURE:
I. Upon entering the establishment, the Environmental Health Specialist (EHS) will introduce herself/himself/themself, request to see the person in charge (PIC) and state the purpose of their/his visit. A business card and/or city employee identification should be presented to the PIC.

II. The EHS will wear an effective means of hair restraint and wash his/their hands before proceeding to conduct the inspection. The EHS will record observations and deficiencies during a routine or follow-up inspection in an appropriate manner so that proper entries may be made on the inspection report as identified by the Nebraska Department of Agriculture (NDA) through standardization.

III. The EHS will carry a food thermometer, minimum/maximum recording thermometer, alcohol sanitizing wipes, sanitizer test strips, flashlight, and digital camera. The thermometers will be sanitized prior to use with an alcohol wipe or another approved sanitizer. Additional recommended inspection tools to have available include a black permanent marker, extra pens, and extra batteries, and pH reading test strips. In addition, the EHS will utilize a computer and printer to generate a paper copy or email of the inspection report to the PIC at the time of inspection.

IV. The EHS will inspect the establishment as standardized per policy 222.01, Food Safety Program Quality Improvement and Standardization. Areas of concern during the inspection will include but not be limited to the following:

A. Food supplies source;
B. Food Protection;
G. Food Temperatures;
D. Health-and-hygiene-practices-of-employees;
E. Sanitary-design-, construction, and installation of equipment and utensils and their state of repair;
F. Sanitation, cleanliness, storage and handling of equipment and utensils;
G. Water supply is from an approved source, hot water available, and has adequate pressure;
H. Sewage is properly disposed of into public sewer or approved private facilities (LCCHD’s Water Program shall be notified of any food establishments using a private on-site sewage system);
I. Plumbing is properly installed and maintained with no cross-connections or back-siphonage;
J. Toilet facilities;
K. Hand washing facilities are provided, convenient, and adequately supplied in all food preparation, food dispensing, and warewash areas;
L. Garbage disposal is adequate;
M. Pest Control;
N. Floors, walls, and ceilings clean and in good repair;
O. Adequate and shielded lighting is provided;
P. Ventilation facilities are provided and maintained;
Q. Suitable lockers, coat racks, or dressing rooms are provided and kept clean;
R. Compliance with the Lincoln Smoking Regulation Act (LMC 8.50) and the Nebraska Clean Indoor Air Act of 2008;
S. Outdoor sanitation;
T. Items of special concern in F-memos prepared by NDA; and
U. Compliance with Food Manager and Alcohol Manager permits and other applicable Food Handler and Alcohol Server/Seller permits and record keeping requirements.

V. After completing the inspection process, the EHS will determine a suitable location in the establishment and complete an entry all pertinent information in the InspectaInspect computer program. The EHS shall document specific Nebraska Food Code, Nebraska Pure Food Act and Lincoln Food Code sections where deficiencies were identified, comment specifically what each deficiency was, and provide a recommendation for correction when possible. All violations including “grandfathered” items will be recorded as violations. Responsible Beverage Server/Seller Training non-compliance will be marked as “Out of Compliance” on the inspection report, and an Official Notice will be issued identifying the specific violations. Include verbage on Official Notice and alcohol compliance check.
VI. If a Food Enforcement Notice is issued, or the EHS determines that a follow-up inspection is needed, the “follow-up” box must be checked on the inspection report. Follow-up inspections will be done using the appropriate report format in the inspection program, InspecTab Reports Menu.

VII. Once the inspection report is complete, the EHS will review the report with the PIC in a suitable environment where distractions are limited. The EHS shall explain all deficiencies and clarify any violations not understood. After the review is complete, both the PIC and the EHS will sign the digital report and the EHS will provide the PIC with a printed paper or electronic copy.

VIII. When the EHS returns to the office, the inspection report shall be filed into the establishment’s digital file. While in the InspectTab Report Manager, the EHS shall select the appropriate report to be filed and complete the following steps:

A. Select the “Send to Mail Drop w Cover” button to generate the risk factor report to the mail drop with a cover letter to be sent to the business owner email on record. Permittee.

B. Select the “EMAIL” button if a Notice of Violation or a Food Enforcement Notice was issued. The report shall be emailed to the Food Team, Supervisor, Office Manager and Division Manager.
POLICY STATEMENT:
The Health Director may hold an enforcement hearing as designated in Lincoln Food Code 8.20.290 with a food establishment permit holder or designated Person in Charge (PIC) to show cause why the food establishment’s permit should not be suspended or revoked, or to determine a required resolution for compliance with the Lincoln Food Code.

The Food Safety Program Supervisor or Environmental Public Health (EPH) Division Manager may hold an administrative meeting with a food establishment permit holder or designated PIC as a step in progressive enforcement to solve compliance issues.

PROCEDURE:
I. Enforcement Hearings
   A. An enforcement hearing may be held with a food establishment permit holder or designated PIC when the criteria listed in Policy 222.31, Food Service Establishment Enforcement Policy is met, including when violations identified during an inspection represent an immediate and substantial health hazard to the public, or when more than one inspection identifies repeat priority or priority foundation violations, or the overall sanitation level is below average, or for other violations of the Lincoln Food Code the Health Director determines need to be addressed.

   B. Enforcement hearings shall be held in accordance with Lincoln Food Code 8.20.290.

   C. A notice of the enforcement hearing will be served in accordance with LMC 8.20.320 Notice; Service. The notice will include date, location, time, and reason for the enforcement hearing.

   D. The enforcement hearing will be attended by the Environmental Health Specialist (EHS) who conducted the inspection, the Food Safety Program Supervisor and/or the EPH Division Manager, and the Health Director or the Health Director’s appointed hearing officer. At the Health Director’s discretion, additional staff may be requested to attend the enforcement hearing. The hearing shall be recorded for documentation of proceedings.

   E. The designate hearing officer shall prepare a written recommendation for the Health Director who will make the final determination.
II. Administrative Meetings

A. The Food Safety Program Supervisor or EPH Division Manager may hold an administrative meeting with a food establishment permit holder or designated PIC when the food establishment has received enforcement action or upon recommendation of the EHS. This meeting is informal and used to discuss solutions for compliance and explain future consequences if compliance is not achieved and maintained, including an enforcement hearing, permit suspension or revocation. The Food Safety Consultant may participate in this meeting and be assigned to assist the food establishment management in developing and implementing active managerial control measures needed in their food establishment.

B. An administrative meeting may also be held to discuss an appeal request of a food establishment inspection from the permit holder or PIC. This appeal must be submitted in writing.

1. If an appeal of an inspection is received, the inspection will not be posted on the website or released to the public until the outcome of the appeal has been determined. The appellant must provide evidence supporting their appeal of specific violation(s).

2. If the determination of the appeal changes violations marked on the inspection report, the Food Team Supervisor will ensure the needed revisions be made to the inspection report. This then becomes the official inspection report. A revised inspection report will be provided to the food establishment.

3. If the determination of the appeal is that the inspection report stands as issued, the appellant will be notified of this decision.
Executive Summary

The Food and Drug Administration (FDA) Retail Program Standards serve as a guide to the design and management of a retail food regulatory program and provide a means of recognition for those programs that meet these standards. Program managers and administrators may establish additional requirements to meet individual program needs.

The Retail Program Standards are designed to help food regulatory programs enhance the services they provide to the public. When applied in the intended manner, the Program Standards should:

- Identify program areas where an agency can have the greatest impact on retail food safety
- Promote wider application of effective risk-factor intervention strategies
- Assist in identifying program areas most in need of additional attention
- Provide information needed to justify maintenance or increase in program budgets
- Lead to innovations in program implementation and administration
- Improve industry and consumer confidence in food protection programs by enhancing uniformity within and between regulatory agencies

The Retail Program Standards apply to the operation and management of a retail food regulatory program that is focused on the reduction of risk factors known to cause or contribute to foodborne illness and to the promotion of active managerial control of these risk factors. The results of a self-assessment against the Standards may be used to evaluate the effectiveness of food safety interventions implemented within a jurisdiction. The Standards also provide a procedure for establishing a database on the occurrence of risk factors that may be used to track the results of regulatory and industry efforts over time.

LLCHD has worked on FDA Standards since 2001. LLCHD currently meets Standards 2, 3, 4, 5, 7, and 9. Although LLCHD is no longer in compliance with Standard 1, we believe compliance will be achieved upon the next Nebraska Food Code revision. FDA and the Conference for Food Protection continue to support the Standards. With support from the Board of Health and our Food Advisory Committee, LLCHD continues to pursue the goal of achieving compliance with all nine Standards. The Standards provide a framework for ongoing quality improvement and goals for the Food Safety Program that enhanced our vision for safe food in Lincoln and Lancaster County.
Standard 1 - Regulatory Foundation

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This standard applies to the regulatory foundation used by a retail food program. Regulatory foundation includes any statute, regulation, rule, ordinance, or other prevailing set of regulatory requirements that governs the operation of a retail food establishment. The regulatory foundation must be at least as stringent as the most recent FDA Food Codes for: public health interventions that control risk factors known to contribute to foodborne illness; good retail practices, and; compliance and enforcement.

The current Nebraska Food Code is based on the 2017 FDA Food Code. The AFDO - FDA grant for working on the Standards award included the fourth self-evaluation and verification audit of Standard 1 in 2021. LLCHD’s self-assessment on September 22, 2021, determined that we were no longer in compliance with Standard 1. Standard 1 requires that the jurisdiction’s third verification audit indicate that the agency’s regulatory requirements meet all 11 of the FDA Food Code Interventions and Risk Factor Controls. Standard 1 requires that food must be held at 41 F or lower. Nebraska Food Code, which LLCHD adopts by reference, allows food to be held at 45 F for equipment that was installed prior to March 8th, 2012. LLCHD has begun communication with key stakeholders from the Nebraska Restaurant Association, Nebraska Grocery Industry Association, and others on the Nebraska Food Industry Review Board. There was no opposition from other industry or regulatory partners on updating the Nebraska Food Code to fully adopt the 41 degree requirement as stated in the FDA Model Food Code when this was discussed at the Food Industry Review Board meeting on July 15, 2021. The intent is to update the Nebraska Food Code when it is up for modification, which will likely be the next legislative session in 2023. If that change is made at that time, LLCHD will fully comply with this standard. If this is not successful, or if the Board of Health recommends, LLCHD could update the local ordinance to require food to be held at 41 F or lower.
Standard 2 - Trained Regulatory Staff

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The food program inspection staff must have the knowledge, skills, and ability to adequately perform their required duties and must follow a 5-step training and standardization process to achieve the required level of competency. The training process for new staff is defined in Standard 2. This includes completing 25 joint inspections observing and learning from the Food Team Training and Standardizing Coordinator or other standardized team members, followed by 25 independent inspections that the trainee conducts while being observed by a standardized team member. Trainees work through the required FDA ORA-U online training courses during this time. After trainees conduct inspections for a minimum of six months, they are standardized by the Training and Standardization Coordinator.

Staff receive and record training in accordance with Policy 222.05 - Food Safety Program Staff Training. The policy identifies the training for field staff and establishes a record keeping system for all training. The record system includes individual training records and an annual review by the Food Program Training and Standardization Coordinator. During the most recent verification audit, the auditor identified trainings that were added to the required Standard 2 curriculum after some “senior” staff were hired. These staff were identified and completed the required or missing training to meet the standard. Due to the COVID-19 Pandemic, all staff training for CEU’s was held virtually. Staff training included the Nebraska Environmental Health Association’s Annual Conference and FDA Food Safety Conference. LLCHD applied for and received an Association of Food and Drug Officials (AFDO) -FDA grant of $2,500 to cover expenses for ten Food Team members to participate in a HACCP Verification and Special processes online training provided by NC State University Extension.

Standard 3 - Inspection Program Based on HACCP Principles

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The inspection program must focus on the status of risk factors for foodborne illness, determine and document compliance, and target immediate- and long-term correction of out-of-control risk factors through active managerial control.
LLCHD meets Standard 3 based on our food establishment inspection report form, inspection policies, inspection intervals based on risk, food code variance requests policy, and the HACCP (Hazard Analysis and Critical Control Points) plan review policy.

LLCHD uses a digital inspection reporting system, “InspecTab”. This system uses the FDA risk factor form and includes information verifying food manager and food handler permit compliance. Electronic inspection data is used for reports including the online rating dial used on the Food Safety Program website. LLCHD is in the process of implementing a new Risk Factor Page to identify two recently added Risk Factors of “Certified Food Protection Manager” and “Procedures for Responding to Vomiting and Diarrheal Events.” LLCHD addresses these risk factors in its local food code LMC 8.20 Lincoln Food Code. InspecTab includes the violation terminology of priority, priority foundation, and core designations, and the inspection form documents actual observation using the convention IN (in compliance), OUT (out of compliance), NA (not applicable), and NO (not observed).

LLCHD inspection report data is sent electronically to the Nebraska Department of Agriculture.

**Standard 4 – Uniform Inspection Program**

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Standard 4 requires the LLCHD food safety program to have a quality assurance program to ensure uniformity among regulatory staff in the interpretation and application of laws, regulations, policies, and procedures. The program must implement an on-going quality assurance program that evaluates inspection uniformity to ensure inspection quality, inspection frequency and uniformity among the regulatory staff.

The Training and Standardization Coordinator standardizes each member of the Food Safety field staff on inspection procedures and interpretations in accordance with LLCHD policy and NDA contract. The Training and Standardization Coordinator is standardized by NDA. All Registered Environmental Health Specialists are standardized every two years, and all Environmental Health Specialists I are standardized annually.

**Standard 5 – Foodborne Illness and Defense Preparedness and Response**

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<th>Auditing Agency</th>
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<tbody>
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<td>11/4/2021- Program SA</td>
<td>Audit from 10/25/2021 allowed per Justin Asberry</td>
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FDA Standard 5 requires the food safety program to have an established system to detect, collect, investigate and respond to complaints and emergencies that involve foodborne illness, injury, and intentional and unintentional food contamination.

LLCHD investigates all complaints and outbreaks associated with any potential foodborne illness. An Epidemiological (EPI) Team approach is used by LLCHD.

Accomplishing compliance with Standard 5 the Food Safety Program maintains a surveillance process for reviewing records for possible trends in food or establishments relative to foodborne illness. Foodborne illness reports are discussed by the food team during its monthly team meeting. If any trends are identified, additional resources are allocated to investigate. Guidance is provided by the Council to Improve Foodborne Outbreak Response (CIFOR) Guidelines for Foodborne Diseases' Outbreak Response Third Edition published in 2020.

LLCHD assigns all foodborne illness complaints to a lead EPI Environmental Health Specialist. The lead EPI Environmental Health Specialist work is also assigned as the Food Safety Consultant to best identify and resolve risk factors that contribute to foodborne illnesses. This has proved to be a good fit for our program needs.

The AFDO – FDA grant for working on the Standards award included the third self-evaluation and verification audit of Standard 5 in 2021.

### Standard 6 Compliance and Enforcement

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Standard 6 requires the food safety program to demonstrate credible follow-up for each violation noted during an inspection, with particular emphasis being placed on risk factors that most often contribute to foodborne illness and Food Code interventions intended to prevent foodborne illness. The resolution of out-of-compliance risk factors and/or Food Code interventions must be documented in each establishment record.

This standard requires policies for enforcement activities. Current LLCHD policies meet Standard 5 requirements. LLCHD has adequate inspection history using the risk factor inspection form to conduct the required verification for this standard. The Food Safety Program requires a “Plan of Action” form to be submitted by the establishment operator whenever a Notice of Violation or Food Enforcement Notice has been issued.
To meet Standard #6, LLCHD must demonstrate adequate follow-up and resolution for at least 80% of the sampled establishments on risk factor violations that most often contribute to foodborne illness. These violations include:

- Food from Unsafe Sources
- Poor Personal Hygiene
- Inadequate Cooking
- Improper Holding/Time and Temperature
- Contaminated Equipment/Protection from Contamination

Acceptable resolutions include immediate corrective action, issuance of a Notice of Violation (NOV) or Food Enforcement Notice (FEN) supplemented with an Action Plan that is returned to LLCHD, or a follow-up inspection that documents the risk factor violation being corrected. This Standard was first self-audited in June of 2015. During that audit, LLCHD showed 61% of risk factor violations had adequate follow up. To improve our compliance, emphasis was placed on immediate corrective action and the use of an action plan for these violations to be returned to LLCHD. LLCHD’s Action Plans were modified so that all “Priority Item Violations” would automatically print out when a NOV or FEN was issued and the managers could document a corrective action and return the Action Plan to LLCHD.

A self-audit in summer of 2018 showed significant improvement, with 76% of risk factor violations having adequate follow up. On further analysis, staff determined that some Risk Factor Violations are classified as “Priority Foundation”, not “Priority” and adequate follow up was not being accomplished on these violations. Two examples include soiled food contact surfaces and improper date marking of leftover foods. Since these risk factor violations alone may not be reason enough for the issuance of an NOV or FEN, an action plan was not being automatically generated. The Food Safety Team has discussed this shortcoming and quality improvement changes have been made to reinforce the need for immediate corrective action on Priority and Priority Foundation Violations. Immediate corrective action must be documented as required by Standard 6.

**Standard 7 – Industry and Community Relations**

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Standard 7 requires the food safety program to solicit a broad spectrum of input from industry and the community, communicate sound public health food safety principles, and foster and recognize community initiatives focused on the reduction of foodborne disease risk factors.
LLCHD continues to meet requirements for Standard 7. This standard lists two sections that must be met:
Industry and Consumer Interaction; and
Educational Outreach.

Compliance includes having a Board of Health, a Food Advisory Committee, ongoing consumer education projects with the University of Nebraska-Lincoln, UNL Extension, Food Manager and Food Handler Permit requirements, Food Protection Manager renewal classes, annual Farmers Market Trainings, Infuse Consultation Program, Take 20! Information, and a LLCHD Food Safety Program website that includes a food inspection ratings dial and a 3 year inspection history for the public.

The Food Advisory Committee provides input and guidance on Food Safety Program policies, proposed Lincoln Food Code revisions, and the Annual FDA Program Standards Report.

LLCHD is currently contracting with UNL’s Food Science and Technology Department to host and provide LLCHD’s online foodhandler training program. In 2019, this training was updated to be compatible with mobile devices. The UNL hosted online program provides the public 24/7 access to food handler training, testing and permitting. In FY2020 and FY2021, 12,337 and 11,893 food employees were trained in safe food handling and obtained their food handler permits through this online training program.

Due to the COVID-19 Pandemic, Food Protection Manager Permit renewal classes have been presented via zoom by Senior EHS Mary Murrieta and assisted by EHS II Matt Husk. These classes are well received by food protection managers as a review of important food safety issues and updates. In person food handler classes resumed in 2021, but attendance is limited to 20 to minimize COVID-19 exposures. Two Prep/Cook classes are offered in Spanish and one Prep/Cook class is offered in English per month. LLCHD continues to collaborate with UNL to enhance the online foodhandler training. LLCHD staff are currently working to translate the training material into the Spanish language.

The LLCHD Food Safety Program web page provides the public with food establishment inspection report information and meets the demand for the public information requests. Each open establishment is statistically rated as above average (top 16%), average (middle 68%) and below average (bottom 16%) for the most recent inspection, and for the average of their inspections completed in the past 3 years. Averages are calculated based on FDA establishment categories (i.e. fast food, full service, large retail store, small retail store, bar, school, etc.). Specific violations and enforcement notice details are provided. Our system of rating establishment inspections as compared to three years of inspections of like facilities has gotten national recognition from FDA, the Conference for Food Protection, and the National Environmental Health Association.

LLCHD’s Food Safety Program website includes links to the online training for food handlers and alcohol server/sellers. Other resources and guidance documents are available for assisting the food industry with educational information needed.
### Standard 8 – Program Support and Resources

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Standard 8 requires the food safety program to have resources (budget, staff, equipment, etc.) necessary to support an inspection and surveillance system that is designed to reduce risk factors and other factors known to contribute to foodborne illness and to comply with the FDA Retail Program Standards.

FDA Standard 8 recommends that each full time equivalent (FTE) food inspector have a workload of “280 to 320” inspections per year. The term “inspection” includes routine inspections, re-inspections, complaint investigations, compliance follow up inspections, risk assessment reviews, process reviews, and other direct establishment contact time such as on-site training. Inspections in FY2020 and FY2021 were reduced due to the COVID-19 Pandemic and that data does not accurately reflect the work done by the Food Safety Team. All Food Team Staff were reassigned to fill needed roles of LLCHD’s COVID-19 Pandemic Response. These reassignments included, but were not limited to PPE decontamination, Incident Command, PPE distribution to industry, DHM complaint investigation and enforcement, and assisting the public during mass vaccine clinics. The most recent data that accurately reflects the work by the Food Safety Team directly related to Standard 8 is from FY2019. In FY2019, Food Safety Team staff conducted 2906 total contacts or “inspections.” In FY2019, LLCHD issued 1197 City of Lincoln food establishment permits, in FY2020, 1106, and FY2021, 1147. Adding the State Only food establishments operating in Lancaster County, the total number of food establishments currently in Lancaster County under LLCHD regulation is 1476. In FY19, LLCHD had 6.82 FTE that conducted inspections and provided onsite consultations. However, 0.25 FTE is devoted to training/standardization and another 0.25 FTE is devoted to plan review and information systems. Thus, about 6.32 FTE was devoted to conducting inspections and providing onsite consultations. The estimated workload for LLCHD’s food inspectors per full time equivalent in FY19 was approximately 460 inspections and consultations per FTE.

The Food Safety Team had two staff retire in 2020 and a vacancy. The Food Handler Coordinator position was reclassified to a full time Environmental Health Specialist. LLCHD has applied for grant funding from FDA/NEHA to add capacity of an additional EHS to work towards compliance with this standard.

Annual permit fee adjustments are made near the start of the City’s fiscal year. A Food Establishment Permit renewal fee was increased approximately 3% this year. The food establishment permit fees, food handler/manager permit fees, alcohol server/seller permit fees, and grants fund approximately 90% of the total direct Food Safety Program costs.
All food establishment, food handler and manager permit information is maintained in digital files. The digital system includes documents such as applications, form letters, and reports. The efficiency and accuracy of the food inspection and permit records, and the ability to use file data for reports has been a significant program improvement.

LLCHD expanded our Food Safety Consultant consultation program to include a mandatory consultation process required when the establishment’s last inspection and three-year inspection average ranks as “below average” (lowest 16%) and has violations of FDA identified risk factors. Thus, the poorest performing establishments are required to participate in a consultative process focused on Active Managerial Control to reduce the risk of foodborne illness.

LLCHD is “piloting” Active Managerial Control (AMC) inspection for full-service food establishments. This AMC inspection focuses primarily on the 5 FDA Risk Factors that cause foodborne illnesses. AMC inspections consists of a pre-assessment survey, a sit-down consultation with the manager to discuss established practices and areas for improvement. Lastly, a walk thru inspection of the kitchen that focuses on risk factors is conducted.

### Standard 9 - Program Assessment

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The food safety program must measure its success in reducing the occurrence of foodborne illness risk factors to enhance food safety and public health in the community. Program management must ensure that:

1. A risk factor study on the occurrence of the five foodborne illness risk factors is conducted and repeated at least once every 60 months to measure trends in the occurrence of the risk factors;
2. An analysis is conducted on the data collected and a report on the outcomes and conclusions of the risk factor study is written; and
3. A targeted intervention strategy designed to address the occurrence of the risk factor(s) identified in the risk factor study is implemented and the effectiveness of such strategy is evaluated.

LLCHD staff created data analysis dashboards to complete and meet this standard. These dashboards show the percent of “out of compliance” violations marked for the FDA Risk Factors most likely to contribute to foodborne illnesses as follows:

- Poor Personal Hygiene
- Unapproved Food Sources
- Cross-Contamination
- Inadequate Cooking
- Improper Food Holding Temperatures
The dashboards also show the risk factor percent “out of compliance” for each of the following facility types:
- Fast Food
- Full-Service
- Elementary Schools
- Hospitals
- Other facility types

The data in the 2017 Risk Factor Study showed that the three most common risk factors found to be out of compliance were:
1. Cross-Contamination
2. Improper Holding Temperatures
3. Poor Personal Hygiene

Standard 9 also requires an intervention strategy to be implemented to address the risk factors found to be out of compliance. As stated earlier, LLCHD has implemented AMC inspections, and a consultation program (INFUSE) to work with the poor performing food establishments that have violations associated with the 5 risk factors that are most likely to contribute to foodborne illnesses. In addition, staff promote the Take 20! program to assist food establishments to implement a new approach to handwashing.

This standard is scheduled to be Self-Assessed and Audit Verified in 2022.