FOOD ADVISORY COMMITTEE MEETING
10:00 AM – 11:30 AM; Friday, November 22, 2019
3131 O Street, Lincoln NE
Lower Level Training Center Room 0212
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 ROOM ENTRANCE.

I. Roll Call – Linda Dennis
   New FAC Member Introductions:
   • Rick Young - Hy-Vee
   • Dr. Jayne Stratton – UNL

   Re-Appointed FAC Member:
   • Jay Jarvis – Lazlo’s

II. Approval of Agenda – Linda Dennis

III. Approval of Minutes from the September 23, 2019 Meeting – Linda Dennis

IV. New Business – Action Item
   • LMC 8.20 Lincoln Food Code Cottage Foods Proposal – Daniel/Holmes

V. New Business – Informational Item
   • FDA Standards Update - Daniel
   • FDA/AFDO Grants Update - Daniel

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.

VII. Schedule Next Meeting – Tentatively February 2020

VIII. Adjournment
Copies of the meeting materials will be provided at the meeting. If you are not able to attend, please contact Justin Daniel at j.daniel@lincoln.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 meeting site.

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 Huenink 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.
I. Roll Call – Linda Dennis

Present: Julie Albrecht, Eric Bahm, Linda Dennis, Kelly Knudson, Jim Partington, Kathy Siefken, Edith Zumwalt

Absent: Crystal Carter, Andrew Tipton, Jay Jarvis, Vincent Murphy, Minh Nyugen

Staff Present: Justin Daniel, Scott Holmes, Renae Rief, Marcia Huenink, Melissa Slade

Guest: Rick Young

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

Motion: Moved by Kathy Siefken that the agenda be approved as printed. Second by inaudible. Motion carried 7-0.

III. Approval of Minutes from the September 27, 2018 Meeting – Linda Dennis
Linda Dennis asked if there were any additions or corrections to the minutes from the November 9, 2017 meeting.

Motion: Moved by Jim Partington that the September 27, 2018 minutes be approved as printed. Second by inaudible. Motion carried 7-0.

IV. New Business – Action Items
A. Revision to Policy 222.39 – FBI Illness Complaint Investigations – Justin Daniel
Justine gave a brief description of the updates to the policy. This is an existing policy that helps provide clarification to staff when investigating foodborne illnesses. New to the policy was Exhibit 1 – Flow Chart. Clarification was also provided on the Lead Investigator role and how the investigation will proceed. “C” and “E” are new to the policy and provides direction on determining the type of complaint and make the primary contact to determine if it’s a single isolated complaint or a complaint involving multiple illnesses. “D” was added to better clarify roles. It was how LLCHD was already handling multiple complaints, but steps were not identified in the policy. 4D – provides direction on when releasing public information regarding an EPI Investigation.

Motion by Kelly Knudson. Seconded by Jim Partington. Motion carried 7-0
B. Revision to Policy 222.01 – Food Safety Program QI and Standardization – Justin Daniel
   Justin provided a brief description and explained that most of the changes were made to clarify
   language. It explains how Nebraska Department of Agriculture (NDA) evaluates our program with
   FDA standards. These changes were in regard to a recent audit of standards so that it meets FDA
   standards.

   Motion by Kelly Knudson. Seconded by Jim Partington. Motion carried 7-0.

C. LB 304 Facilitated Discussion and Recommendation – Justin Daniel/Renae Rief
   Justin gave a brief description of LB 304. Essentially it amended the pure food act. The law was
   signed into effect May 1 and went in to effect September 1st. Justin and Renae initiated discussion
   of the current Lincoln Food Code and how passing of LB304 conflicts with the current Lincoln Food
   Code. The Food Advisory Committee (FAC) recommends that LLCHD staff look into options relative
   to LB304 and information be brought back the FAC to be shared at the next meeting.

   Motion by Julie Albrecht. Seconded by Eric Bahm. Motion carried 7-0.

V. 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.

VI. Schedule Next Meeting – November/December 2019

VII. Adjournment
   Linda Dennis asked for a motion to adjourn the meeting.

   Motion to adjourn by Kelly Knudsen. Second by Kathy Siefken.

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Justin Daniel at jdaniel@lincoln.ne.gov or 402-441-8033.

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Department at 402-441-8634 as soon as possible before the scheduled meeting date in order to make your request.
LMC 8.20 Lincoln Food Code – Proposed ordinance change

Add to LMC 8.20.030 a definition of cottage food operation under “food establishment shall not include:“

5) "Cottage food operation". Additional sanitation standards and regulations for cottage food operations shall be adopted by the Board of Health pursuant to authority given in section 060 Additional Sanitation Standards and Regulations: Board of Health.

Lincoln-Lancaster County Board of Health Additional Sanitation Standards and Regulations and Standards for home prepared foods

Adopted pursuant to LMC 8.20.060 - Additional Sanitation Standards and Regulations and Standards; Board of Health

A) COTTAGE FOOD OPERATIONS; DEFINITIONS

(1) "Cottage food operation" means a person who produces cottage food products only in the home kitchen of that person’s primary domestic residence and only for sale directly to the consumer. A Cottage food operation shall not operate as a food service establishment, retail food store, or wholesale food manufacturer. A person who only sells cottage food products at a Farmers Market or Event Market shall be regulated as a vendor at that market and not be a cottage food operation.

(2) "Cottage food products" means non-potentially hazardous (time/temperature control for safety food) baked goods, jams, jellies, and other non-potentially hazardous foods produced at a cottage food operation.

(3) "Domestic residence" means a single-family dwelling or an area within a rental unit where a single person or family resides. A domestic residence does not include any group or communal residential setting within any type of structure, or outbuilding, shed, barn, or other similar structure.

(4) "Home kitchen" means a kitchen designed and intended for use by the residents of a home but that is also used by a resident to produce cottage food products. It may contain one or more stoves or ovens, refrigerator(s), sink(s), preparation equipment, surfaces, etc., designed for residential use. It shall not include commercial types of equipment typically used for large wholesale manufacturing.

(5) "Permitted area" means the portion of a domestic residence housing a home kitchen where the preparation, packaging, storage, or handling of cottage food products occurs.

(6) "Potentially hazardous food (time/temperature control for safety food)" means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.
B) COTTAGE FOOD OPERATION; PERMITS REQUIRED; EXEMPTION

(1) It shall be unlawful for any person to operate a cottage food operation without first obtaining a permit from the Health Director on forms developed by that authority. The operation of a cottage food operation without the required permit is hereby declared a nuisance which may be abated as provided by law. The permit shall be made available to the Health Director and/or the public upon request.

(2) Prior to permitting, the Health Director will inspect the premises of the cottage food operation to determine compliance with the requirements.

(3) All cottage food operations must allow the Health Director entry into the domestic residence at any reasonable time for the purposes of inspection including the collection of food samples.

(4) A cottage food operation must comply with all applicable local ordinances and state laws that apply to conducting a business from one’s home residence.

(5) A cottage food operation which has a private water supply must have the supply tested prior to permitting and at least annually thereafter. The water shall be considered acceptable if the Nitrate-Nitrogen results are less than 10 mg/ml and no coliform bacteria are identified. Results of the testing shall be maintained for a period of five years. If the water supply is determined to be unacceptable, the Health Director may approve an alternate source of water for food preparation, sanitizing utensils and food preparation surfaces, and handwashing. The Health Director may require more frequent testing as deemed necessary or require additional testing for other water contaminants.

(6) All persons involved in food preparation in the cottage food operation shall hold a valid food handler or food manager permit issued by the Health Department.

(7) Any cottage food operation that sells food exclusively at a permitted Farmers Market or Event Market shall be exempt from holding a cottage food operation permit but shall be subject to all other requirements for cottage food operations.

C) COTTAGE FOOD OPERATIONS; FEES

(1) The Board of Health may from time to time establish or revise fees to be paid by any person who secures a Cottage Food Operation Permit.

(2) The fee for a Cottage Food Operation Permit shall be $30.

(3) Fees shall be payable to the Health Director and the Health Director shall deposit the fees at the City Treasurer’s Office. The City Treasurer shall credit the fees to the Health Fund.
D) **COTTAGE FOOD OPERATIONS; LIMITATIONS**
(1) Products produced by a cottage food operation must be sold directly to the consumer. Direct sales at farmers markets, craft fairs, charitable organization functions and similar events are permitted. Sales to grocery stores, restaurants or wholesale are prohibited. A cottage food operation may not operate as a food service establishment, retail food store, or wholesale food manufacturer.

(2) A cottage food operation may only produce non-potentially hazardous (time/temperature control for safety food) food products.

E) **COTTAGE FOOD OPERATIONS; INSPECTION**
(1) The Health Director may inspect the cottage food operation at any reasonable time for the purpose of determining compliance with regulatory requirements. The inspection may include any area in the home in which food is cooked, held, packaged, prepared, or stored. Inspections may be conducted to investigate a complaint, inadequate labeling, or a report of foodborne illness. Inspections may be conducted to gather information regarding persons in the home with communicable diseases which can be transmitted through food.

(2) The Health Director shall inspect for and ask the permittee to verify the following:

   a. That only non-potentially hazardous foods (time/temperature control for safety food) may be produced and sold;

   b. Any ingredients used in the preparation of cottage food products that require time/temperature control must be held at safe temperatures (i.e. eggs);

   c. That no person other than the permittee, or a person under the direct supervision of the permittee that also holds at minimum a prep/cook food handler permit issued by the Health Department, may be engaged in the processing, preparing, packaging, or handling of any cottage food products;

   d. That no preparation, packaging, or handling of cottage food products is occurring in the home kitchen concurrent with any other domestic activities such as family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment;

   e. That no children who are not toilet trained are in the home kitchen during the preparation, packaging, or handling of any cottage food products.

   f. That no pets are allowed in the home kitchen at any time during the preparation of cottage food products;

   g. That all food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of any cottage food products are properly washed, rinsed, and sanitized before each use;
h. That all food preparation and food equipment storage areas are maintained free of rodents and insects; and

i. That all persons involved in the preparation and packaging of cottage food products:

   (i) Will not prepare cottage food products when ill and must be symptom free for at least 48 hours after having vomiting or diarrhea before preparing cottage food products;

   (ii) Will wash their hands before any food preparation and food packaging activities; and

   (iii) Will prevent bare hand contact with ready-to-eat foods through the use of single-service gloves, bakery papers, tongs, or other utensils.

j. That smoking is not allowed in the home kitchen at any time during the preparation of cottage food products.

F) COTTAGE FOOD OPERATION; ALLOWABLE PRODUCTS

A cottage food operation shall only be allowed to produce food items which do not require temperature control for safety. The following list of foods are examples of products that may be produced by a cottage food operation:

• Loaf breads, rolls, biscuits
• Cakes including celebration cakes (birthday, anniversary, wedding)
• Pastries and cookies
• Candies and confections
• Fruit pies
• Jams, jellies and preserves
• Dried fruits
• Dry herbs, seasonings and mixtures
• Cereals, trail mixes and granola
• Coated or uncoated nuts
• Vinegar and flavored vinegars
• Popcorn, popcorn balls, cotton candy

A cottage food operation shall not be allowed to produce food items which require temperature control for safety. In addition, other foods not allowed include: acidified foods, low acid canned foods, garlic in oil, and fresh fruit or vegetable juices. The following list of foods are examples of products that may not be produced at a cottage food operation:

• Fresh or dried meat or meat products including jerky
• Fresh or dried poultry or poultry products
• Canned fruits, vegetables, vegetable butters, salsas etc.
• Fish or shellfish products
• Canned pickled products such as corn relish, pickles, sauerkraut
• Raw seed sprouts
• Bakery goods which require any type of refrigeration such as cream, custard or meringue pies and cakes or pastries with cream cheese icings or fillings
• Tempered and/or molded chocolate or chocolate type products
• Milk and dairy products including hard, soft and cottage cheeses and yogurt
• Cut fresh fruits and/or vegetables
• Food products made from cut fresh fruits or vegetables
• Food products made with cooked vegetable products
• Garlic in oil mixtures
• Juices made from fresh fruits or vegetables
• Ice and/or ice products
• Barbeque sauces, ketchups and/or mustards
• Focaccia-style breads with vegetables and/or cheeses

G) Cottage Food Operations; Food Labeling
A cottage food operation may only sell cottage food products which are pre-packaged with a label affixed that contains the following information (printed in English):
• The name and address of the cottage food operation;
• The common name of the food;
• The ingredients of the cottage food product, in descending order of predominance by weight;
• The net weight or net volume of the cottage food product;
• Allergen information or a statement that the food may contain allergens;

If any nutritional claim or health claim is made, it must meet federal labeling requirements; and
• The following statement printed in at least 10-point type in a color that provides a clear contrast to the background label: “Made in a Cottage Food Operation that is not routinely inspected by the Lincoln-Lancaster County Health Department and may contain allergens.”

A label sample is shown below.

**MADE IN A COTTAGE FOOD OPERATION THAT IS NOT ROUTINELY INSPECTED BY THE LINCOLN-LANCASHER COUNTY HEALTH DEPARTMENT AND MAY CONTAIN ALLERGENS**

Chocolate Chip Cookies
Julia Child
3131 O St
Lincoln, NE 68510

**Ingredients:** Enriched flour (Wheat flour, niacin, reduced iron, thiamine, mononitrate, riboflavin and folic acid), butter (milk, salt), chocolate chips (sugar, chocolate liquor, cocoa butter, butterfat (milk), soy lecithin, walnuts, sugar, eggs, salt, artificial vanilla extract, baking soda.

**Contains:** Wheat, eggs, milk, soy, walnuts
Net Wt. 3 oz.

H) COTTAGE FOOD OPERATIONS; ENFORCEMENT