

## *Hearing Appearances, Testimony, Comments and Responses*

**Rule Subject:** Retail Food Establishments (Food Code)  
**Adm. Code Reference:** ATCP 75  
**Rules Clearinghouse #:** CR 12-033  
**DATCP Docket #:** 09-R-01

**Madison, WI**  
**October 9, 2012**

<b>Person/Organization</b>	<b>Testified- Yes/No</b>	<b>Written- Yes/No</b>	<b>Registered at Hearing Yes/No</b>	<b>Position/Comments <i>DATCP's Responses are in Parentheses</i></b>
Beth Cleary Public Health Madison/Dane County	No	No	No	Registered in support of the rule. Did not register to speak.
Stephanie Moccero Public Health Madison/Dane County	No	No	No	Registered in support of the rule. Did not register to speak.
Susan Quam, Executive Vice President, Wisconsin Restaurant Association (WRA)	Yes	Yes	Yes	Registered in support of the rule. Supports the rule. Also provided written comment, below. The WRA indicated they would like to remove the recertification requirement and require food managers to be tested by exam every five years. (A statutory change would be needed before this provision could be changed.) The WRA also wanted DATCP and DHS to start the rule revision process within six months of the next FDA Model Food Code's release in 2013.

**Waupaca, WI**  
**October 11, 2012**

<b>Person/Organization</b>	<b>Testified- Yes/No</b>	<b>Written- Yes/No</b>	<b>Registered at Hearing Yes/No</b>	<b>Position/Comments <i>DATCP's Responses are in Parentheses</i></b>
Jed Wohlt Waupaca County Health Department 811 Harding St. Waupaca, WI 54981	No	No	No	Registered in support of the rule. Did not register to speak.

Person/Organization	Testified- Yes/No	Written- Yes/No	Registered at Hearing Yes/No	Position/Comments <i>DATCP's Responses are in Parentheses</i>
Brian Hobbs Polk County Health Department 100 Polk County Plaza Suite 180 Balsam Lake, WI 54810	Yes	No	Yes	Testified at hearing that he supports the rule. Indicated that the new revisions and updates provide clarity. However, noted that the new naming conventions of "priority", "priority foundation", etc., are confusing.

**Written Comments**

Person/Organization	Position/Comments <i>DATCP's Responses are in Parentheses</i>
David Roettger Sheboygan County Health Department <a href="mailto:roettdar@dar.sheboygan">roettdar@dar.sheboygan</a>	E-mail indicated that the proposed language seems to make the code more technical and less user-friendly and that the new naming conventions of "priority", "priority foundation", etc., are confusing. However, he also indicated that the descriptions for handling illnesses are helpful and liked the proposed language regarding person in charge. Had questions about various aspects of the proposed rule, including: 1) Why the definition of meal was eliminated. (The definition of meal is now included in DHS 196.03(3m)); 2) "Balut" was added to the food code. (This "egg" type is becoming more popular in Wisconsin and throughout the nation; The definition is included in the model food code); and 3) The food code requires rinsing after sanitation. (This provision is consistent with the model food code and accommodates businesses that want to sanitize using chlorine.) He also wondered why requirements for food prep sinks were changed, descriptions of "push carts" and "mobile units" and the description of "cold holding temperatures and times" were eliminated, and wood is no longer listed as a food contact surface. (These topics are still included in the food code.)
Susan Quam, Executive Vice President, Wisconsin Restaurant Association	Also testified at a hearing, above. Noted that maintaining a uniform food code ensures consistency between all regulatory jurisdictions, including states, which is important for the restaurant industry. Strongly believes that Wisconsin needs to raise the standards for Certified Food Protection Manager "CFPM" and adopt the language written in the 2009 Food Code for the definition of a Certified Food Protection Manager. Noted that improvements to food protection are fast paced. The FDA issues a model food code every four years and a supplemental code in between new codes. They were disappointed that Wisconsin is behind other states in adopting the 2009 model food code. Suggested that DATCP and DHS begin a review process with industry representatives within 6 months of the release of each new FDA code and that changes should be enacted within 18 months of the release of the code. Indicated support for changes made to DHS 196 "Restaurants" to clarify definitions in that rule. (DATCP and DHS did start the process in 2009; however, at DHS's request, DATCP has accommodated DHS's extended schedule.)