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Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Public Health, Senior Issues,
Long-Term Care, and Job Creation (SC-PHSILTCJC)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Gigi Godwin (LRB) (November/2011)

Registrations Against

- None.

Registrations for Information Only

- None.

April 6, 2010

EXECUTIVE SESSION HELD

Present: (5) Senators Carpenter, Coggs, Vinehout, Schultz
and Kapanke.

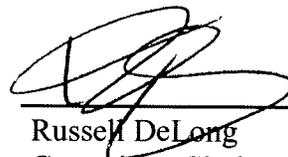
Absent: (0) None.

Moved by Senator Carpenter, seconded by Senator Coggs that
Assembly Bill 414 be recommended for concurrence.

Ayes: (2) Senators Carpenter and Coggs.

Noes: (3) Senators Vinehout, Schultz and Kapanke.

CONCURRENCE NOT RECOMMENDED, Ayes 2, Noes 3



Russell DeLong
Committee Clerk

Vote Record

Committee on Public Health, Senior Issues, Long-Term Care, and Job Creation

Date: 4/6/10

Moved by: Carpenter

Seconded by: Coggs

AB 414
 AJR _____
 AR _____

SB _____
 SJR _____
 SR _____

Clearinghouse Rule _____
 Appointment _____
 Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation ~~Concurrence~~ Indefinite Postponement
- Introduction Rejection Tabling ~~Amend or Amend~~

Committee Member

Senator Tim Carpenter, Chair

<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Senator Spencer Coggs

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Senator Kathleen Vinehout

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Senator Dale Schultz

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Senator Dan Kapanke

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Totals: 2 3 _____ _____

Motion Carried

Motion Failed

FRED A. RISSER
President
Wisconsin State Senate



February 16, 2010

Senator Tim Carpenter, Chair
Senate Committee on Public Health,
Senior Issues, Long-Term Care and Job Creation
306 South, State Capitol
HAND DELIVERED

Dear Senator Carpenter,

Thank you for holding a hearing on Assembly Bill 414. Other obligations in the Capitol prevent me from appearing in person in support of this legislation.

This bill was requested by the Wisconsin Restaurant Association.

Under current law, restaurant operators must pass a written examination in order to receive a certificate of food protection practices. The renewal of this certificate requires the completion of a recertification training course but not a written examination.

Assembly Bill 414 will require that certificate renewals also include the successful completion of a written examination. This change in law will have a two-fold effect: First, it will improve our current system of food safety, and second, it will provide additional assurances that Wisconsin restaurants are practicing safe food handling.

Assembly Bill 414 was approved by the Assembly in January 2010. I would encourage the committee to act favorably on this legislation to ensure that restaurant operators are up to date on the most current food safety practices.

Thank you again for your willingness to hold a public hearing on Assembly Bill 414. If you should have any questions, please do not hesitate to contact me.

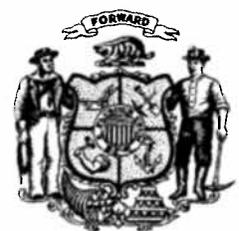
Most sincerely,


FRED A. RISSER
President
Wisconsin State Senate

FAR:skb
CC: Members of the Committee



WISCONSIN STATE LEGISLATURE



Wednesday, February 17, 2010

Senate Committee on Public Health, Senior Issues, Long-Term Care, and Job Creation

Written Testimony

Steve Schilling

Owner

ZaZING! Restaurant

Pleasant Prairie

I support AB-414, the bill requiring Certified Food Protection Managers to successfully pass a nationally accredited exam for recertification.

I own a small restaurant in Pleasant Prairie and have 50+ years of experience in the restaurant industry, both as an owner of a small business and as an executive in a large multi-unit restaurant operation.

I recently took the ServSafe® Food Protection Manager exam to recertify, because I had exceeded the grace period after my state certification expired. I am glad that I did!

Because I had to study to prepare for the exam, I realized how much food safety information has changed just in the past five years. I learned new practices to use in my restaurant and teach my staff.

If I would not have had to take the exam, I believe that I would not have learned the new information. Just sitting in a class for a few hours would not have accomplished the same thing.

I used an online course to study and then took the exam at a proctored exam site. As a small business owner, I cannot be away from my restaurant for an entire day very often. Having the flexibility to study online at my own pace and then take the exam at my convenience was important to me.

I strongly believe that restaurant owners and managers need to be on top of everything new in food safety and requiring testing for Manager Recertification is the best way to ensure that happens.



WISCONSIN STATE LEGISLATURE



Wednesday, February 17, 2010

**TO: Senate Committee on Public Health, Senior Issues, Long-Term Care, and Job Creation
Tim Carpenter, Chairman**

FR: Susan Quam, WRA Education Foundation Executive Director

RE: AB-414 (Certified Food Protection Manager Recertification Testing)

I am Susan Quam, Executive Director of the Wisconsin Restaurant Association Education Foundation. I specialize in the areas of education, food safety, nutrition and food defense on behalf of the WRA and the restaurant industry.

I serve on the National Conference for Food Protection Manager Training, Testing and Certification Committee. This committee oversees and develops standards for Certified Food Protection Managers. I have participated on this committee since 2000 and have been reappointed four times to represent small restaurant businesses.

The National Conference for Food Protection is a true partnership of regulators, industry representatives, academics and consumers working together to identify and find solutions to today's challenges in the areas of food safety and consumer protection. The Food and Drug Administration recognizes the Conference as a developer of standards to promote food protection. Every two years the Conference meets to discuss and debate changes to the FDA's Food Code and supporting food safety programs. The FDA uses Conference's recommendations when it issues changes to its Food Code every four years. Both the Wisconsin Departments of Health Services and Agriculture, Trade and Consumer Protection participate in the Conference as well as Council members and voting Delegates.

Beginning in 2006, I have been selected three times to represent small restaurant businesses on Council II at the Conference's Biennial Meeting. This council reviews and debates issues relating to Education and Training for both industry and regulatory professionals in the retail food industry. Certified Food Protection Manager training and certification fall under this Council's jurisdiction.

You may ask why all of this Conference for Food Protection information matters.

Because it is the Conference, and ultimately the FDA, who drive the train on what are the food safety priorities nationwide and statewide within the restaurant industry.

Holding a Food Protection Manager Certification is the primary way for a manager to meet Demonstration of Knowledge requirement in the FDA and Wisconsin Food Codes Section 2-102.11. The FDA will only recognize certified managers who have been certified by testing organizations accredited based on the Conference's standards. Attached to my testimony is a copy of the 2004 letter from the FDA outlining this information.



I have been asked by many educators and trainers why is the exam so important to determining whether a person is truly a Certified Food Protection Manager.

FDA has determined that a certification must be based on valid, reliable and legally defensible criteria, in order to meet the Food Code's Demonstration of Knowledge requirement.

Food Protection Manager Certification Examinations are designed to assess individuals' competence in food safety and in the practices required to protect the public from foodborne illness. The examination is considered a *high-stakes* test in that the outcome (passing or failing) may have serious consequences for the individual test taker and for the public at large. Because the goal of any certification examination is to identify competent practitioners, examinees' scores must be fair and accurate and based on sound psychometric** principles. A passing score on a Food Protection Manager Certification Examination signifies that the examinee has demonstrated proficiency in safe foodhandling. To assure that professionals are always best prepared to protect public welfare it is critical that they demonstrate continued competency through re-certification.

A job task analysis (JTA) is a research method employed by test providers to gain a detailed content outline of the *essential* knowledge, skills, and abilities required in order to serve food safely. JTAs are used as the foundation for test development in all industries and professions, and are used to develop test questions and to establish an examination blueprint. Testing industry standards require test providers to perform a new JTA every 3-5 years because the science behind any given profession changes periodically, and because certification examinations are *high-stakes*. Food safety is no exception: the FDA releases new food safety regulations as new information becomes available and the science behind what's required to keep food safe is constantly updated.

Periodic re-certification, as opposed to training, is a necessary means to ensure continued public safety. Unlike training situations, whereby individuals may be awarded credit for simply being present, the certification examination provides an objective measure of an individual's safe foodhandling knowledge and is a valid and reliable demonstration of competency.

Why not use continuing education or CEU's to renew certification?

While renewing a licensure, registration or certification via seat-time based education options may work for other industries; this method of certification does not meet the needs of the restaurant industry, or FDA. Certification without a psychometrically sound evaluation of knowledge is not valid, reliable or legally defensible. **Developed according to sound psychometric** standards, examinations developed by CFP accredited organizations provide the appropriate amount of rigor to ensure that a candidate received the necessary training to demonstrate the knowledge level required of Food Protection Managers.**

While recertification courses in Wisconsin currently are required to issue a quiz or test at the end of the course, these tests are not developed using sound psychometric principles or job task analyses, which means they are not legally defensible.

***Psychometrics* literally means "psychological measurement." It is the methodology that deals with designs, administrations, and interpretations of measurement on individuals' constructs such as abilities, attitudes, personality, knowledge, quality of life



April 13, 2004

Ms. Glenda M. Christy
Chair, Conference for Food Protection
1085 Denio Avenue
Gilroy, CA 95020-9206

Dear Ms. Christy:

The 2004 biennial meeting of the **Conference for Food Protection** is a fitting occasion for FDA's Center for Food Safety and Applied Nutrition to commend the Conference for its significant achievements in support of State and local food safety programs.

The FDA in a Memorandum of Understanding recognizes the Conference for Food Protection as a voluntary national organization qualified to develop standards to promote food protection. Conference recommendations contribute to improvements in the model FDA Food Code and help jurisdictions justify, adopt and implement its provisions.

Conference mechanisms involving active participation by representatives of diverse stakeholder groups produce consensus standards of the highest quality. An excellent example is the Conference's **Standards for Accreditation of Food Protection Manager Certification Programs**, and its announcement of the new on-line listing of accredited certifiers of industry food protection managers. Many years in their development, these Conference standards identify the essential components necessary for a credible certification program. Components cover a wide range of requirements such as detailed criteria for exam development and administration, and responsibilities of the certification organization to candidates and the public.

FDA applauds the Conference for this significant achievement, and encourages agencies at all levels of government to accept certificates issued by listed certifiers as meeting their jurisdictions' food safety knowledge and certification requirements. The American National Standards Institute (ANSI) has independently evaluated these certification programs under an agreement with the Conference for Food Protection. Governments and industry widely recognize and respect ANSI as an accrediting organization. ANSI has found certifiers it lists as accredited (www.ansi.org) to conform to the Conference's **Standards for Accreditation of Food Protection Manager Certification Programs**.

CDC estimates 76 million Americans get sick, more than 300,000 enter the hospital, and 5,000 people die because of food-borne illnesses each year. ~~The FDA Food~~

Code states the person in charge of a food establishment is accountable for developing, carrying out, and enforcing procedures aimed at preventing food-borne illness. Section 2-102.11 states that one means by which a person in charge may demonstrate required knowledge of food safety is through certification as a food protection manager by passing an examination that is part of an accredited program.

FDA encourages food regulatory authorities and others evaluating credentials for food protection managers to recognize the Conference for Food Protection/ANSI means of accrediting certification programs. This procedure provides a means for **universal acceptance** of individuals who successfully demonstrate knowledge of food safety. The procedure provides officials assurance that food safety certification is based on valid, reliable, and legally defensible criteria. In addition, universal acceptance eliminates the inconvenience and unnecessary expense of repeating training and testing when managers work across jurisdictional boundaries.

FDA, along with state, local, tribal and other federal agencies and the food industry, share the responsibility for ensuring that our food supply is safe. It is anticipated that this new Conference for Food Protection/ANSI program will lead to enhanced consumer protection, improve the overall level of food safety, and be an important component of a seamless national food safety system.

Sincerely yours,

Robert E. Brackett, Ph.D.
Director
Center for Food Safety
and Applied Nutrition



WISCONSIN STATE LEGISLATURE





STATE REPRESENTATIVE
JON RICHARDS

WISCONSIN STATE ASSEMBLY

Testimony of Representative Jon Richards
Assembly Bill 414
Senate Committee on Public Health, Senior Issues, Long-Term Care and Job Creation
February 17, 2010

Thank you, Chairman Carpenter and members of the Senate Committee on Public Health, Senior Issues, Long-Term Care and Job Creation for conducting a public hearing on Assembly Bill 414 and for giving me the opportunity to address the Committee.

Assembly Bill 414 will strengthen Wisconsin's food safety laws by requiring those seeking renewal of a certificate of food protective practices to pass a written examination. Under current law, successful completion of a written examination is required to receive a certificate but no examination is required to renew a certificate. Current law only requires the successful completion of a recertification training course.

According to the U.S. Department of Health and Human Services, "...*the presence of a certified food safety kitchen manager significantly reduces the risk for outbreaks of foodborne illness in restaurants. In fact, the presence of a certified food safety kitchen manager was the major distinguishing factor between restaurants in which foodborne illness outbreaks occurred and restaurants in which foodborne illness outbreaks did not occur.*"

The City of Milwaukee is ahead of the curve when it comes to food safety. In November of last year the City adopted an ordinance amendment which requires restaurant operators to successfully pass an accredited examination for food protective practices as a condition of renewal. I believe it is time to expand this level of protection to the rest of the state.

Assembly Bill 414 is supported by the Wisconsin Restaurant Association because they recognize the importance of professionalism and safe food handling procedures in maintaining a healthy business and healthy customers. This reasonable reform does not create a hardship for small business people and will pay dividends in terms of improved public health.

Assembly Bill 414 was passed by the Assembly Committee on Public Health on a vote of 6-1 and by the full Assembly on a vote of 58-40.

Thank you for giving me the opportunity to testify and for your interest in this legislation.



WISCONSIN STATE LEGISLATURE





February 18, 2010

**TO: Senate Committee on Public Health, Senior Issues, Long-Term Care, and Job Creation
Tim Carpenter, Chairman**

**FR: Linda Wendt, Owner
Wendt's on the Lake, Van Dyne**

RE: Support of Assembly Bill 414

I am the owner of Wendts on the Lake in Van Dyne. I am also the current Chairwoman of the Board for the Wisconsin Restaurant Association.

I want to express support for Assembly Bill 414.

- As a small business owner I have a lot of different issues on my plate that I must pay attention to. None are more important than food safety.
- All of my kitchen staff members are required to be Certified Food Protection Managers. I pay for them to attend the review course and take the initial exam, as well as their recertification classes when they must renew. I feel the knowledge gained is essential to be preparing food in my kitchen.
- I know I only need one certified manager to meet the minimum state requirements, but I feel it is necessary to have more of my people trained and certified to protect my business and customers
- At this time I have 9 employees who are certified. I post my staff's certificates so that my customers can feel confident in my staff's ability to prepare quality food while using all the required food safety laws that Wisconsin requires.
- I have had employees express a desire - after completing the recertification courses - to be given more information. This tells me that they are not getting enough information in their recertification classes and that recertification testing would be the answer. I would know my staff to know for sure that they have achieved the full benefit of the class when they pass the exam.
- I believe that recertification testing for all foodservice establishments would be a Win-Win for Wisconsin. Operators and managers must take food safety seriously, including being truly certified and knowledgeable in all food safety

information. By requiring an accredited exam every five years, I feel that more emphasis will be placed on learning and practicing proper food safety procedures. Wisconsin consumers and tourists will be safer for it.

- This issue could be compared to picking your doctor: would you choose a doctor who proved he or she had the knowledge to treat you or one who did not? Wisconsin foodservice guests want to know that when it comes to food safety they can feel safe while dining in our establishments.
- I know that a testing requirement will cost me and my fellow small businesses a few more dollars to implement, but I feel the benefits are worth it. And besides – we are talking about taking an exam every five years – not every year. The cost of the exam will add about \$25-50 to current courses and other exam options. Spread out over five years that is a small price to pay for knowledge. You cannot put a price on preventing a food borne illness.