



IDAHO DEPARTMENT OF HEALTH & WELFARE
DIVISION OF PUBLIC HEALTH

Cottage Food Public Meeting Transcript

H = Division of Public Health Employee

A = Meeting Attendee

H1, H2, etc = Health District Employee

May 13th – Pocatello

H: So I ask the question again. Do you guys in this room have any thoughts or opinions? I have been getting some good feedback from around the State. I don't want to tell you what that feedback is yet, because I don't want you guys to be influenced by something else that I am hearing in another pocket of the State. So I want to hear from you first, then I'll tell you what I am hearing from around the State.

A: First, I have a question. How hard would it be to go and include this in the Food Code since it is currently being updated?

H: Well, just let me jump to what I am hearing from around the State, because that is the primary question that I am hearing from around the State, to be honest with you. People are saying, 'If you've got the Food Code open, why don't you include a definition in the Food Code.' And we would start with this right here. And explain, cottage food is..., examples of..., and kind of include something like this and then explain it is sold direct to consumer and that if wholesale transactions or third party transactions are taking place then all bets are off and you are subject to licensure and inspection. But so far, that is what I hear a lot of people in the state tell me, exactly what you just said ma'am.

A: Well, how about an addendum that if there is an illness, because of some of these foods, then the Health Department will come in. They will inspect everything.

H: Certainly something to consider. I mean, the Health Districts will do investigations anytime they get a complaint about a food. That's what they do right now. So yeah, that is certainly something that we can add in here.

A: Make it clear to people who are selling these kinds of things.

H: Thank you, I appreciate that. Other thoughts or comments? Ma'am, I'm sorry I missed your name, you were here this morning.

A: I'm just coming to hear the discussion.

H: That's alright! She gave me some good ideas this morning too. So, I'm hearing anything at this point. If there isn't a lot of discussion I will throw this slide up there. We are accepting comments until July 24th. I have to work backwards on my calendar. If we do anything with the Food Code or any other rules, that will be presented in January 2016. In order to meet that deadline, our Board of Health and Welfare has to hear the proposed rules at their Board meeting on November 19th. That date is set in stone and there is nothing I can do to change it. In order to meet that deadline, that means I would have a draft proposal ready around the first part of September. That would be open for comments for a period of 21 days according to Idaho Code. I would have public hearings on the drafts the first couple weeks of September. Specifically, I am looking at the dates of the weeks of September 9th and September 18th. I could go a third week but I have a personal conflict on that third week. So I am just looking at those first couple of weeks in September for public hearings. So that means at some time around the middle of September or the first part of September I will be back here or some other part of the State to solicit public comments on the draft proposal if we do in fact write rules about this. So the July 24th deadline allows me enough time to review the comments that we do get sent to us and incorporate them into rules. It is fair to say that not every comment is incorporated into the rule but we will evaluate each of the comments that are submitted. That July 24th deadline, just gives me enough time to work for the September deadline for the subsequent deadlines after that.

There are several different ways that comments can be submitted. This first email address is mine; it goes right to my desk. The second email address is a general email address. We do try to monitor that daily. There are days where we can't get to it, but we will try to monitor it pretty frequently. 5938 goes to Barb's desk. 5936 goes right to my desk. Although Barb only works for me half time, she is a full-time employee so she will answer her phone at any time. She is just technically supposed to only allot 50% of her time to the food program. People can mail in comments too, if they desire. That's the full mailing address right there. They do have to include that 4th floor notation. If someone wants to mail in comments, they are welcome to do that.

The comments that we are saying today are considered part of the public record. So if you guys have things to add, it is considered accepting public comments at this time too.

A: On your website you have calendars for these meetings and the dates for public comments. Can you change the public comment date because it still says May 26th?

H: Does it? Okay. I wasn't aware of that. I will change that Friday morning when I get back to the office.

A: Then what my question would be is when these comments are turned in and the other recordings, it's going to be the two of you sitting down and looking over those and then coming out with a proposal? I know you're not a stakeholder.

H: No, my boss and I will sit down and look over the comments. I'll try to summarize what I am hearing from these meetings and also post that online, but it will take me a couple of week to kind of make a summary of the minutes. I'll try to summarize that and post that online as well. Ultimately, because of our structure, the way we do things in Idaho is that once that proposal is made we will accept comments on the proposal and then ultimately it would have to be approved by the legislature. So there are multiple opportunities for a person to still express their opinions about any proposal that we come up with.

A: May I ask one more question? So, you and I talked about connecting and you sat down with the Health Districts a couple of times. Will there be another stakeholder meeting to discuss that progress?

H: Well, we didn't really talk about it. We can. I'm certainly willing to do that. If so, it would probably be around the end of July sometime. There are a couple of weeks in July that I am out of the office on other obligations that I have. So if I can get it on my calendar, yeah, I would love to invite you and your group to that so we can talk about it.

A: Shareholders and everyone else? It would be good to actually maybe discuss the comments that you hear and a little bit of feedback.

H: Yeah, so (an attendee at a Caldwell meeting) was at the Treasure Valley meeting, (another attendee) made a comment, and I agreed with it actually, I like the concept of it, we have the Food Safety Advisory Committee that meets annually to discuss issues. Their suggestion was could there be an advisory committee specific to cottage foods. And yeah, I'm absolutely willing to entertain that. I think it is a good idea. It would include representatives from each of the Health Districts. And I can see a lot of this taking place just through conference calls, not necessarily an in-person meeting. The other thing that I've heard that I will try to address here a little bit, there was a discussion that started in Moscow and it kind of carried over a little bit into the Treasure Valley meetings. The Farmers Market Association would like to see some kind of an annual training. I guess it was Idaho Falls we talked about this, it wasn't Treasure Valley. So at least some of the members of the Farmers Market Association would like to see some kind of an annual workshop, specific to issues in general relevant to Farmers Markets. Be it food safety, be it marketing or whatever it is. I think it is a great idea and I am absolutely supportive of that. I think though that that is the kind of thing that would be best driven by the association itself.

A: I agree.

H: And I think that we are all in agreement about that too. When I was up in Moscow and met with a member of the association and also the Manager of the Moscow Farmers Market up there, she was the one who kind of prompted this idea a little bit. And I told her I thought it was a great idea and should originate with the association. Her idea was to make it kind of a mandatory thing for association members. That's where I said, 'If you guys want to do that at the association level, that's great! Go for it. I will support it and do what I can.' But I can't make it mandatory from my perspective. If it is an association decision, that's great.

A: I don't even think she is on their board any more.

A: Just a question, was it the Salmon Farmers Market that brought it up in Idaho Falls or was it one of the Idaho Falls Farmers Market?

H: I think it was one of the Idaho Falls markets if I remember right. So predominately, what I am hearing around the State, just so you guys know, is a combination of these top two things. Better define it in the Food Code, clarify it in the Food Code, give us a definition, but don't go out and regulate it. Now I'm summarizing in one sentence. But that is effectively what I am hearing. You guys are the last stop in the state. I mentioned this morning it has nothing to do with Pocatello. It has everything to do with the fact that I've been out of my home and my office for three consecutive weeks, and my son who is a sophomore in high school has his final band concert tomorrow night and I want to make it back in time.

A: I hope so.

H: That is why I booked this meeting last. Because it was going to be easier to get from here to Boise, than Idaho Falls to Boise or Moscow to Boise, or Coeur d'Alene to Boise. That's why this meeting is last.

A: I do have one more question. Do we really have to wait until someone gets sick or dies? I mean somehow, it seems to me, that maybe, it makes me a little uncomfortable. Let's put it that way,

H: I understand, so let me go back to this list for a second. The reason we've always allowed these foods, these are foods from the historical record that don't make people sick.

A: I understand that.

H: Okay, I must have misunderstood the question.

A: You know, you said the lady was sugar cooking bacon. I can't see how you can call that candy.

H: That's a marketing question. I don't know the answer to that or what to say. It doesn't sound appetizing to me. But she markets it as candied bacon and says she can't keep it in stock.

A: That part is not my problem, the part that is my problem is the bacon.

H: Right, and that is why we are telling her that she is still subject to the rules and regulations, because she is dealing with a meat product. These items up here, from the historical information we have about foodborne illness, these kinds of things don't pose any risks.

A: Yes, the problem that I see is a person calling something that is not really traditionally, that thing.

H: Right, and I agree with you which is why I said this list cannot be considered comprehensive or exhaustive. There might be items on this list where somebody is marketing it, for example, as candy. She says, 'well, this is really a candy.' Well it is a candied meat and 'because you are

dealing with meat, we are not going to consider it candy; we are going to consider it a meat product.'

A: So you do have that firmly in mind, no matter what she might call it, the principal ingredient is bacon.

A: I think several of the bills, I don't think the last one addressed this much, but address what direct to consumer is, has a least a list of allowable, same as these. I would suggest in the Food Code that you do something similar to that, although our conversation last year was having it online considering Idaho's bounty where it is not third person.

H: And we do allow direct to consumer, if a vendor is going through Idaho's bounty and they're using these products.

A: That was another thing I think needed to be addressed. Because it is not out there and we don't know.

H: Appreciate that.

A: I think the labeling is one that is fairly important. It's one that if it does go to the legislature it's going to be very important because they want to see something that does say, 'made in a home kitchen,' so that there is some transparency there.

H: Just for your information, I was getting some opposition to that in the Northern part of the State – Even putting a label on it. I had a conversation with a vendor and I said, 'I understand what you are saying. From my perspective I am looking at the label as a trace-back. From your perspective, I think you should look at the label as a marketing tool.' And he still said, 'I don't want to put a label on my food.' So there is some opposition to that. I don't know the extent of it, but there is some opposition.

A: I don't think there is enough. I think there is more opposition from the legislature, not the other way around.

A: I don't know why they wouldn't want to put a label on it, I'm proud of what I sell.

H: I agree with you ma'am. You should be.

H2 I've never had anybody have opposition.

H: Well, I should backup. They are not opposed to the label. They are opposed to the wording, 'Made in a home kitchen that is not subject to regulations.' Specifically, that is what they are expressing their opposition to. Not the concept of the label, but the actual wording that 'this is made in a home kitchen.'

A: That could be just 'cottage food kitchen,' or could be anything.

H: I understand what you are saying. I think, when we were looking at 187 specifically was, your stakeholders want consistency, we want consistency too. So the only way to really make this consistent approach is to house it at the State level, and not farm it out to the districts, because otherwise you have the real possibility of seven different registrations. So we were out there saying, 'give us some help. Please, do something.' I mean, I've been asking for 11 years for help in my program!

A: No, I understand. And actually one of my questions that we can use at the Health Districts, the last stakeholder public meeting we had in March, there was discussion about rather than having some kind of a registration - just having a simple, not really an application, but a paper form that is the same across the districts that says, 'this is my business, this is where I sell, this is what I sell.'

H: So, another thing we are looking at is called a low-risk for or risk-exemption or something like that. And we are looking into that right now and trying to say. 'Can we develop a form that is consistent across the State, that each Health District uses, where a vendor – the way it works in a lot of places is the vendor goes to the Farmers Market and says they want to rent a booth and the Farmers Market says go to the Health District and get this slip of paper, they get that slip of paper from the Health District, they come back and rent the booth. So we are looking into that and trying to do that same kind of thing.

H2: I have the perfect example of what just occurred just now. An ice cream truck just came in wanting to sell ice cream to the neighborhood kids. In order for him to do that through the city, the city won't let him do it until the city knows they've talked to us.

H: We will only allow the pre-packaged novelty type.

H2: And that is what we are doing. So it is pre-packaged. So they are in there right now, filling out our form, saying who they are and what they've got and it's the pre-packaged ice cream. We have to sign it, give him a photo copy of it; he takes it back to the city so the city knows that he has talked to us. That's all he has to do.

A: That's the only reason we want to have an application is to show a connection with you guys. So we don't think they should be selling anything until you know what it is as well.

H2: Right.

H: So I don't know that I would call it an application, but we'll use some kind of word so it is consistent.

H2: Yeah, I don't want application because that means maybe you are going to get something in return, like a license or something.

H: We're saying the only thing you are getting in return is a signed paper with your signature on it.

A: Which is what our producers want, because they want to be able to show that to their insurance or anyone else to say that I am recognized as a business, I'm not licensed but we are a business in the State. That's also why I'd ask if we could have another stakeholder meeting because we haven't seen that follow-up that you have been talking to the Health Districts and the application is being considered. So there are a couple of people who are frustrated because of that.

H: Would you mind sharing that with your stakeholders in your network that this is in the process?

A: Including the legislative sponsors.

H: Well, they did show up to the meetings and almost verbatim this presentation was given at the other locations. So they are aware that this is taking place.