Keith Grellner, Board Chair, called the public meeting to order at 3:00 p.m. and read from a prepared statement (on file).

1. APPROVAL OF AGENDA
   Motion: Approve May 1, 2019 agenda
   Motion/Second: Member Jeffords/Member Kutz. Approved unanimously

2. RULEMAKING PETITION—
   WAC 246-217-025, ISSUANCE OF FOOD WORKER CARDS
Stuart Glasoe, Board Staff, summarized Board options for responding to rulemaking petitions and described the petition from State Food Safety to amend provisions of WAC 246-217-025 to (1) authorize private sector “food handler training providers” to issue food worker cards statewide with approval of training materials by the Washington Department of Health, and (2) establish a revenue sharing formula between such providers and local health jurisdictions. Mr. Glasoe said the rules currently allow such institutions to contract with local health jurisdictions (LHJ) to issue cards locally. He said a few LHJs offer in-person training and all LHJs currently accept online training sponsored by Tacoma Pierce County Health Department (TPCHD) with revenue sharing. He said the Department of Health reviewed chapter 246-217 Food Worker Card in 2017 and determined it needs updating. Such work could start no sooner than late 2020 following completion of work on chapter 246-215 WAC Food Service and could include consideration of the petitioner’s ideas and request.

Lilia Lopez, Assistant Attorney General to the Board, explained her interpretation of the petition to provide state-approve food worker card training, not to issue food worker cards. She also clarified that the regulation currently allows LHJs to contract for training and testing but requires local health officers to issue the cards. She doesn’t read the petitioner’s request as being that they are asking to be able to issue the cards, citing to WAC 246-217-025(9).

Joe Graham, Department of Health, commented that the training and card issuance go hand in hand, and the petitioner seems to be requesting authority to issue the card, which is one way to make it profitable for a business. Ms. Lopez again said the petition doesn’t appear to specifically request issuing cards, as opposed to providing training.

Michelle Davis, Executive Director acknowledged that the rule was last updated in 2006, and needs attention. Ms. Davis asked if any LHJs are contracting with entities other than TPCHD for the training. Mr. Graham said he was almost certain LHJs were not contracting with other entities. Ms. Davis inquired about the petitioner’s proposed revenue sharing formula and potential impact to current revenue sharing. Mr. Graham said he believes the petitioner intended for the cost sharing to mirror the TPCHD model. However, the petition actually reduces the amount that local health would receive, apportioning 30% to locals and 70% to the business. Ms. Davis commented that this seemed to be a significant reduction to LHJs. Chair Grellner noted that the change in revenue distribution would cost Kitsap Public Health District about $50,000 a year, which funds such services as food-borne illness investigations. He noted that TPCPH took several years to create the online system, shared the system, and created agreements. No LHJ is compelled to utilize TPCHD’s system.

Jim Sledge, Board Member said he was trying to understand the petition and what problem the petition is attempting to correct—he noted that the system seems to be working well. Mr. Graham and Chair Grellner said it may not be a problem, and the impetus may be the potential revenue gained by offering the services. The petitioner can approach LHJs individually, but establishing a statewide system would be easier and quicker. It may be the company’s position that they can do a better job than what’s currently offered.
Jim Jeffords, Board Member appreciated the dialogue about the fiscal impact to local health. He asked about the $3 in the petition returned to the system. He commented that the proposed language seemed nebulous. Stephen Kutz, Board Member, commented that food trainer handling is a basic public health safeguard, and the proposed change would change the controls and standards. He remarked that the current system assures consistency in training and oversight by local health officers. Kurt Hilt, Board Member, commented that he did not see a compelling need to change the rule, and noted his concerns about the funding. Bob Lutz, Board Member, said Spokane Health District staff estimated the change in revenue sharing would cost the jurisdiction about $92,000 a year. The jurisdiction issued 23,000 food worker cards last year. Staff indicated that current training materials are good, may need updating, and noted the need for consistency in instruction if the model changes.

Chair Grellner requested a motion. With advice from Ms. Lopez, Board members considered alternate motions. The closing discussion again highlighted numerous questions and concerns with the petition and the proposed language. Chair Grellner said he would work with staff to draft a response to the petitioner and, if denied, let the petitioner know the request can be revisited during full rule revision with opportunity to clarify the ideas and request.

Motion: The Board denies the petition for rulemaking to revise provisions for food worker cards in WAC 246-217-025 on the basis of the many concerns raised in the deliberation.

Motion/Second: Member Kutz/Member Jeffords. Approved unanimously

ADJOURNMENT

Keith Grellner, Board Chair, adjourned the meeting at 3:42 p.m.

WASHINGTON STATE BOARD OF HEALTH

Keith Grellner, Chair

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