

Northwest Montana Sanitarians' Association
106 4th Avenue East
Polson, Montana 59860



February 14, 2014

Cort Jensen, Attorney
Montana Department of Agriculture
P.O. Box 200201
Helena, Montana 59620-0201

RE: Comments Regarding HB 630

Mr. Jensen:

The Northwest Montana Sanitarians' Association (NWMSA) is a group of Registered Sanitarians located in northwest Montana which is comprised of approximately thirty members. The majority of the membership works in food science in some capacity, such as retail food inspections or for the Milk and Egg Bureau, under the Montana Department of Livestock.

The NWMSA would like to make the following comments regarding sections (b) – (d) of HB 630:

(b) the extent to which home kitchens can be used to prepare foods for sale that are not potentially hazardous while maintaining food safety for the public;

Comments: The NWMSA is in strong support of expanding the current farmer's markets regulation to incorporate the cottage food industry. Montana currently allows cottage foods to be sold to the public without a license in a limited scope through the current farmer's market exemptions. However, the need to expand this regulation to include more wide-ranging public events is apparent. Our association is in support of the Montana Environmental Health Association's (MEHA) HB 630 Guiding Principles, as well as the NWMSA's Recommended Structure and Contents of Montana's Cottage Foods Program dated February 14, 2014. See included.

The purpose of attaching the latter document is to give an example of a potential framework for a cottage food system in Montana. The NWMSA document is largely based on the Association of Food & Drug Officials' (AFDO) Regulatory Guidance for Best Practices: Cottage Foods dated April 2012. While the NWMSA document is slightly different than the AFDO document, we believe the differences proposed in our document make it a better fit for Montana. However, these are merely recommendations and the details can be ironed out through the rulemaking process.

(c) the relative availability of community-based commercial kitchens and their use; and

Comments: The NWMSA believes this was addressed in a survey performed by the Montana Department of Public Health and Human Services (DPHHS) – Food and Consumer Safety Section.

The results of the survey showed there are many kitchens available to the public throughout the state that can be used to produce food for sale to the public.

(d) inconsistencies and inefficiencies in Montana’s food laws that could be improved and streamlined.

Comments: The NWMSA believes that DPHHS, specifically the Food and Consumer Safety Section, should have greater rule writing authorities. Please note Part II of the Montana Environmental Health Association HB 630 Guiding Principles.

The following amendments to existing statutes are needed:

(If the cottage food act moves forward, there are other definitions that will need to be examined)

50-50-102. Definitions

- A definition for Perishable Foods is needed.
- (16)(e) include pitting (ie: pitting cherries).

50-50-208. Local board to report number of licenses to department

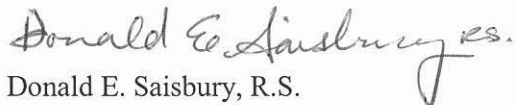
- Delete this section as it is unnecessary.

50-57-102. Definitions

- (14)(a) “Wholesale Food Warehouse” – suggest adding (d) to this definition with the effect of the following language: “The term does not include a warehouse that stores only packaged, shelf-stable without refrigeration foods in unbroken and original containers, in a location separate from the facilities where the food manufacturing occurs.”

Thank you for your consideration.

Sincerely,



Donald E. Saisbury, R.S.
President