

AMPHO

Association of Montana Public Health Officials



bit No.

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Public Health

3/7/2011

Prevent. Promote. Protect

No.

HB 559

March 7, 2011

Dear Chairman Priest and Senate Public Health, Welfare and Safety Committee,

I am Jim Carlson and I am representing the Association of Montana Public Health Officers. I have been a Sanitarian in Montana for 37 years.

We oppose HB 559 as drafted but believe that compromise language can be found that satisfies concerns over food and water safety and provides for the flexibility needed in a ranch situation. The current language determines the level of licensing based on average numbers, but peak numbers are the critical to determining risk in a food service setting. It is not practical, from a regulatory standpoint, to figure out if a facility has to be licensed using an average number of guests. This provision, which already exists in law, has made guest ranch licensing very difficult to apply, and HB 559 does nothing to improve that. With current language, a guest ranch that will accept guests all year could have 8760 visitor-days without being licensed or regulated. It would be possible for a guest ranch to be able to house over 100 guests, and still be under this average.

The critical public health issues here are food service and water supply. When higher numbers of people are fed things like spaghetti, hot or cold casseroles, and soups it requires commercial equipment to heat, hold and cool foods safely. It takes several days for a five gallon bucket of pea soup placed in a residential refrigerator to cool to temperatures that won't support bacterial growth. If there are just a few salmonella or staphylococcus bacteria in that food when it goes into cooling there will be enough to make everyone very, very sick when it is served. Sanitarians are trained to understand these issues and make sure that the proper equipment is used for large food events.

We understand the argument of why smaller guest ranches should be exempt from public health regulation. Guests are essentially invited into the home and allowed to take part in the ranching experience. Once the guest portion of the operation gets large enough, however, the public health concerns become more pronounced. These larger guest facilities should be licensed and regulated in the same manner as bed and breakfasts, tourist homes and small hotels and motels.

We support making changes to HB 559 to make it clear that small guest ranches are exempt from public health regulation.

- Amend the definitions of establishment, guest ranch and outfitting and guide facility so that guest ranches and outfitting and guide facilities with 24 or fewer guests per day are NOT regulated (neither licensed or subject to rules.)
- Strike the new requirement for the department to establish guidelines for small guest ranches and outfitting and guide facilities.
- Retain language for creating rules specific to guest ranches and outfitting and guide facilities through the negotiated rule making process.

Licensing itself is not the hurdle that some people believe. Most guest ranches would pay either \$40 to \$80 a year. These license fees pay only a portion of the cost of public health oversight, the majority of which is borne by local taxpayers. But the cost of a food borne illness investigation is far greater – to local government, the affected visitors and the establishment.

Public Health laws, rules and policies protect against the spread of disease. They have made a huge difference in all of our lives. Most legislators eat many meals a week in facilities licensed and inspected to meet food safety standards. How facilities that serve many people are equipped and operated insures that people can carry out their lives without any significant probability of having to go to the hospital due to food poisoning. Food may have pathogens in it, and if not properly cooked, cooled or stored can cause a debilitating foodborne illness outbreak. There are over 8,000 facilities in Montana that are licensed and inspected for food preparation. For safety guest ranches that serve more than 24 people a day.

We urge you to support amendments to HB 559 that will serve the needs of the ranches and provide for reasonable public health protection.

Sincerely,

Jim Carlson, Environmental Health Director
Missoula City-County Health Department