**Conference for Food Protection**

**2010 Issue Form**

**Internal Number: 043**

**Issue: 2010 I-022**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Council Recommendation:** | Accepted as  Submitted |  | Accepted as Amended |  | No Action |  |
| **Delegate Action:** | Accepted |  | Rejected |  |  |  |

*All information above the line is for conference use only.*

**Title:**

Key Drop

**Issue you would like the Conference to consider:**

"Key drop" delivery is a common practice in the food industry, including the retail and restaurant segments. The practice allows for the safe delivery of food and other products during hours when the establishment is closed, usually between midnight and 6 am. Delivery personnel store items appropriately as refrigerated, frozen or dry goods and establishment personnel inspect and officially confirm receipt of the goods upon their arrival the day of the delivery.

**Public Health Significance:**

The current FDA Food Code (¶ 2.103.11 (E)) identifies the importance of having a Person in Charge or "employee" duty include the receipt and inspection of foods and other goods delivered to an establishment. Food Code ¶ 1.201.10 (B) defines an employee to mean "the permit holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in the food service establishment." This definition allows for the lawful delivery of goods by a distribution company provided that the distribution personnel are performing their duties under contract with the food establishment.

It is important to clarify this role in ¶ 2-103.11 (E) to include distribution personnel and affirm that the key drop practice, already in accordance with FDA Food Code, is specifically identified for all to understand. It is with this further clarity that all States may confidently adopt this segment of the FDA Food Code and consistently enable the key drop practice.

**Recommended Solution: The Conference recommends...:**

that a letter be sent to FDA requesting the following changes to the Food Code:

that § 2.103.11 of the FDA Food Code be amended by adding a new ¶ 2.103.11 (F), and renumbering subsequent paragraphs in this Section appropriately, to specifically allow for the practice of key drop deliveries by including the following language:

(F) Distribution EMPLOYEES for key drop deliveries are delivering goods at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the delivered goods at time of delivery Pf;

Further, that ¶ 1-201.10 (B) be amended to define key drop as follows:

**"Key Drop"** means a delivery of food and goods to an establishment that occurs when it is closed. Distributors deliver and place products in coolers, freezers and dry goods storage areas for LATER confirmation of receipt and inspection by representatives of the establishment.

**Submitter Information:**

|  |  |  |  |
| --- | --- | --- | --- |
| Name: | Dan Roehl | | |
| Organization: | National Restaurant Association | | |
| Address: | 1200 17th Street, NW | | |
| City/State/Zip: | Washington, DC 20036 | | |
| Telephone: | 202.331.5900 | Fax: | 202.331.2429 |
| E-mail: | droehl@restaurant.org | | |

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.