

# CONFERENCE FOR FOOD PROTECTION



## CONSTITUTION AND BYLAWS 2010

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# ***Conference for Food Protection Constitution and Bylaws***

***As revised April 12, 2006***

## **Preface**

The following comments serve as a historical preface to the Constitution and Bylaws for the Conference for Food Protection.

The Conference for Food Protection dates back to the 1971 Conference on Food Protection held in Denver, Colorado. It was sponsored jointly by the Food and Drug Administration (FDA) and the American Public Health Association (APHA). The purpose of the Conference was to provide an inter-professional dialogue on the microbiological aspects of food safety for individuals representing industry, government and consumers.

The Second National Conference for Food Protection was held in Washington, D.C. in 1984. The 1984 Conference expanded its scope to cover toxicological, as well as microbiological concerns. The purpose of the 1984 Conference was:

“To share perspectives on the toxicological and microbiological aspects of food safety problems in the United States; to identify the needs, direction and opportunities of food production, processing, handling and regulation through the year 1990; and to establish an organization for the continuing study of food safety problems and for promotion of the recommendations of the Conference.”

The 1984 Conference was organized into seven committees: Toxicology; Microbiology; Good Manufacturing and Quality Control; Standards and Regulations; Education and Training; New Foods Processing and Packaging; and Conference Program Committees, with selected individuals also serving as resource persons who prepared “white papers” on various issues that were to be discussed at the Conference. In addition to the federal, State and local health officials who had been invited to the 1971 Conference, the 1984 Conference included industry, academic and consumer representatives. The 1984 Conference adopted a recommendation that a continuing Conference organization be established and that a constitution and bylaws be developed based upon a draft presented at the Conference. It was agreed that the objectives of the Conference would be:

- To identify emerging problems of food safety;
- To address the problems of food safety on a regular basis;
- To formulate recommendations for the solution of the identified problems;
- To follow up on the recommendations of the Conference so that they will be incorporated into public policy and in industry practice;

- To evaluate the effectiveness of the Conference recommendations; and
- To establish a working liaison with professional and trade associations, academic institutions and government agencies concerned with food safety.

Following the 1984 Conference, the Constitution and Bylaws were finalized and the Conference was incorporated in 1985. The National Sanitation Foundation (NSF) agreed to support the Conference financially and a Conference Executive Director was hired.

The 1986 Conference for Food Protection was held in Ann Arbor, Michigan. The 1986 Conference was again organized into seven committees representing the major science and technical aspects of food protection. A 25-member Executive Committee selected the topics to be discussed and requested “white papers” from technical experts. In addition to the committees, five Councils were formed representing the interests of the participants at the Conference.

Although the purposes of these Conferences were well established and accepted, the organization and procedures of the Conference were long debated. In the early meetings of the Steering Committee preparing for the 1984 Conference, the idea of emulating the National Conference on Interstate Milk Shipments (NCIMS) was introduced. Individuals working during this Conference to write a new constitution began introducing NCIMS-type structure into the Conference organization. This was the first step leading to the current Constitution and Bylaws.

The second step was action taken at the 1984 Conference to reaffirm the intent to model the Conference after the NCIMS. The following is quoted from the Proceedings of the 1984 Conference:

“An Organizational Model: from the beginning it was the intention of the organizers of the Second National Conference that it should include an effort 'to establish an organization for the continuing study of food safety problems and for the promotion of the recommendations of the Conference'. What the organizers had in mind in making that a goal of the Conference was to establish, in the area of food safety, something akin to the Interstate Milk Shipments Conference and the more recent Interstate Shellfish Sanitation Conference, so that a national dialogue on food safety might continue on a regular, periodic basis.” (page 369)

“A National Conference for Food Protection should be established as an ongoing Conference and be structured similarly to the National Conference on Interstate Milk Shipments. One of the Conference's primary purposes should be to promote the formulation and use of uniform model laws and regulations among all government agencies to assure uniform interpretations and implementation and to eliminate duplication of services. Its membership should consist of federal, State and local food regulatory officials, academia and representatives from industry. It should be governed by an Executive Board with representatives from federal, State and local agencies and industry.” (Recommendation No. 10, Standards and Regulations Committee -- approved by the Conference, page 266).

The draft Constitution and Bylaws adopted by the 1984 Conference were, according to its authors, not meant to be a fully workable source for forming and operating the Conference model after the NCIMS. It was intended as an interim document that would be upgraded to provide a more authoritative foundation for Conference actions.

The final step in the decision to upgrade the Conference organization was taken at the 1986 Conference. The Program Committee reported that:

"It was the unanimous view of the committee that the Conference should operate as an action organization, existing not merely to identify problems and formulate recommendations, but to resolve issues through the implementation of recommendations, much as the Weights and Measures Conference and the Interstate Milk Shippers do. Specific recommendations in this regard will be presented prior to the next Conference." (Page 410, Proceedings)

To accomplish this, the 1986 Conference agreed:

- To develop a State regulatory ratification mechanism whereby each of the 50 States will have one vote; and
- To create a Constitution and Bylaws Committee to review the entire Constitution and Bylaws and to formulate recommendations for the Executive Committee to consider.

The Constitution and Bylaws Committee approached the review process with three principal needs in mind. First, the Constitution needed to allow for the continuing study of food safety problems, but with a more limited focus. To achieve this, the following changes were made:

1. The objective of the Conference placed greater emphasis on food safety at the point of ultimate sale to consumers through food services, retail food stores and food vending, and continued to identify and address problems in production, processing, packaging, distribution, sale and service of food;
2. The seven committees were condensed into three councils to provide a balance between discussing the science and technology of food safety issues and developing various certification guidelines, procedures and models; however, as in the other two Conference examples, separate committees in each discipline area could still function to deliberate and review issues.

The second principle that guided the review process was the need for the Conference to be more successful in promoting food safety, mutual respect and uniformity. This was accomplished through the following changes:

1. The final actions taken by the Conference regarding such items as food safety controls, certification procedures and Memoranda of Understanding, were to be

adopted by the regulatory delegates of the Conference with the advice of industry and other non-regulatory members;

2. The Constitution created a Council on Laws and Regulations; a Council on Administration, Certification and Education; and a Council on Science and Technology that provided vehicles by which the Conference could deliberate on all food safety issues and promote more uniform and effective food safety controls.

The final guiding principle was the need to ensure that the Conference would provide a national and, to the extent possible, international dialogue on food safety on a regular, periodic basis; and that this dialogue would be among representatives of regulatory, industry and other non-regulatory organizations. To accomplish this, the Constitution and Bylaws provided for the following:

1. The name of the Conference remained unchanged consistent with the recommendation made by the 1986 Program Committee. In order to increase international information exchange, the Pan American Health Organization (PAHO) and the World Health Organization (WHO) were added. The Food and Agricultural Organization (FAO) was already a member of the Conference;
2. The role that industry plays in the Conference is substantial. Industry is fully represented on all councils, committees and the Executive Board. Industry representatives alternate as Chair and Vice-Chair on all councils. Industry representatives are elected through industry caucuses. Industry's concerns and advice are fully considered since problems submitted to the Conference are assigned to one of the councils. Regulatory delegates vote on each council's recommended actions;
3. The Science and Technology Council provided a forum for discussion by all concerned parties of the scientific and technological aspects and principles underlying the problems faced by government and industry in their mutual goal of trying to provide safe foods for consumers and could include formation of individual committees for each scientific discipline.

The Constitution and Bylaws attempt to intertwine these guiding principles so that in pursuing one, each would be pursued. This interdependence is critically important if the Conference recommendations are going to command the respect of the food regulators and the food industry that would be called upon to implement the recommendations. As was stated by Mr. Archie Holliday in his comments on the 1988 proposed Constitution and Bylaws:

“The most important need for an organization of this kind is to have its recommendations respected by the community called upon to implement them. Without the results of our deliberations commanding the highest respect attainable, getting together to identify and study food safety problems will be of little or no value to enough people to support a viable organization. The strength of the organization structure now being proposed by your Constitution and Bylaws Committee is that it provides the means to balance the interests of

regulatory and industry people while providing an open forum for the consideration of ideas from any source. At the same time, matters that are supported by the voting delegates will have endured such a process as to command the utmost of respect.”

The Constitution and Bylaws are one step in an evolving process to develop a viable permanent Conference. The next was also discussed by Mr. Archie Holliday in his comments on the Constitution:

“One should be careful not to conclude that a food service oriented structure would prohibit the free and open study of the wider range of food safety problems. When the values of NCIMS and ISSC organizational structures are discussed, we often fail to acknowledge the importance of procedures to successful operation of these bodies. Well defined, established procedures will be essential to the effectiveness of the Conference operating under our proposal. Procedures should remain as a separate entity from the Constitution and Bylaws. When the new Constitution and Bylaws are adopted, the Executive Board should immediately begin the process of establishing procedures to be approved by the Conference. It is in this process that attention can be given to how broad the scope of the Conference should be. The adoption and revision of Conference procedures should receive the same careful consideration as the adoption of Conference recommendations.”

The Constitution and Bylaws Committee and the Executive Board believed that the Constitution and Bylaws proposed and accepted at the 1988 Conference provided a workable and proven approach that should be followed to develop an effective voice for present and future issues of food safety.

## *Preamble*

The Conference for Food Protection, hereinafter referred to as the Conference or CFP, is incorporated as a non-profit organization under the laws of the State of Virginia to carry out the objective stated in the Constitution and Bylaws of the Conference.

## *Constitution and Bylaws*

### *Article I Objective*

**Section 1.** The objective of the Conference shall be to promote food safety and consumer protection by:

***Subsection 1.*** Identifying and addressing problems in the production, processing, packaging, distribution, sale and service of foods;

***Subsection 2.*** Focusing on and facilitating the food protection programs governing the food service, retail food store and food vending segments of the food industry;

***Subsection 3.*** Adopting sound, uniform procedures which will be accepted by food regulatory agencies and industry;

***Subsection 4.*** Promoting mutual respect and trust by establishing a working liaison among governmental agencies, industry, academic institutions, professional associations and consumer groups concerned with food safety;

***Subsection 5.*** Promoting uniformity among States, territories and the District of Columbia. Territories include American Samoa, Guam, Northern Mariana Islands, Puerto Rico, The Trust Territory and the U.S. Virgin Islands.

***Subsection 6.*** Utilizing as the primary channels for dissemination of information:

The United States Department of Agriculture/Food Safety and Inspection Service (USDA/FSIS) in matters under their purview, such as food production, meat and poultry processing and consumer information; and The United States Department of Health and Human Services/Public Health Service/Food and Drug Administration (HHS/PHS/FDA) in matters under their purview, such as food processing and assistance to food regulatory agencies based on the model food codes and related documents.



## **Article II Organization and Operation**

**Section 1.** The Conference shall be directed by the delegates of the States, territories and District of Columbia, who join together with representatives of industry, academic institutions, professional associations and consumer groups to achieve the objective of the Conference.

The Conference shall include an Assembly of State Delegates, hereinafter referred to as the Assembly; an Executive Board, hereinafter referred to as the Board; officers; an Executive Director, Executive Assistant, Executive Treasurer, Councils; Committees; Standing Committees (see Article XIII); and any member of the Conference as described in Article III, Sections 1 and 2.

**Section 2.** The Conference shall meet at least biennially during even-numbered years with additional meetings as the need arises as determined by the Board.

**Section 3.** The Conference identifies food safety issues by receiving Issues submitted by interested persons. The Conference addresses Issues by assigning them to appropriate Councils or Committees for consideration. Council membership is balanced between government and industry interests. Aspects of Issues may also be assigned to Committees for study, procedure development or for other reasons. All committees that are assigned to a Council shall submit a report to the Council Chair and Conference at least ninety (90) days preceding the CFP Biennial Conference-Mmeeting. Councils then make recommendations to the Assembly, which is composed of delegates designated by the States, each territory and the District of Columbia. The Assembly considers and votes to approve or reject Council recommendations. CFP Biennial Meeting Conference-participation is open to all interested individuals who choose to become members and attend. Individuals may serve as appointed or elected members on the Board, Councils, and Committees; or as a participating registered member.

The Conference shall consider issues related to food safety that are submitted on approved forms and within specified time frames. Any interested person may submit an Issue for consideration. At least one hundred and fifty (150) days preceding the CFP Biennial Conference-Mmeeting, the Executive Director shall notify members of the Conference of the time and place of the CFP Biennial Conference-Mmeeting. Each notice shall include information for submitting Issues, and a statement that all Issues, shall be submitted to the Conference at least ninety (90) days preceding the CFP Biennial Conference-Mmeeting. Issues are to be assigned to appropriate Councils by the Issue Committee. At least forty (40) days preceding the CFP Biennial Conference-Mmeeting, the Executive Director shall make available to members of the Conference copies of the final committee reports and Issues, including Constitution changes that have been received and assigned for CFP Biennial Meeting Conference-deliberation.

The Board may submit special Issues to the Councils at the beginning of the CFP Biennial Conference-Mmeeting as necessary.

Councils are to deliberate their Issues and report their recommendations on each to the Assembly. The Assembly considers and votes on recommendations it receives from the Councils.

### **Article III Registration and Membership**

- Section 1.** Any persons interested in promoting the objective in Article I may attend the CFP Biennial Conference Meeting by registering their name, address, and the business they represent with the Executive Treasurer using forms provided and paying the registration fee established by the Board under Article V, Section 10 and 12.
- Section 2.** Persons who are interested in promoting the objective in Article I but who can not attend the CFP Biennial Conference Meeting may become members of the Conference by applying to the Executive Treasurer using forms provided and paying the membership fee established by the Board under Article V, Section 12.
- Section 3.** Persons paying the Conference membership fee through the Executive Treasurer's office or by paid registration at the CFP Biennial Conference Meeting are members of the Conference and are entitled to be on an official list to receive copies of the CFP Biennial Meeting Conference proceedings and other Conference matters determined by the Board to be of interest to all members of the Conference.
- Section 4.** Conference membership begins at the time of payment of membership fee. Membership paid as part of the CFP Biennial Meeting Conference registration begin on the first day of one CFP Biennial Conference Meeting and end the day prior to the next CFP Biennial Conference Meeting.

### **Article IV Composition of Organizational Components and Eligibility Requirements for Service In Official Capacities**

- Section 1.** The Assembly shall consist of persons attending the Conference meeting and qualified as voting delegates under Article XVII, Section 5.
- Section 2.** To be eligible to serve on the Board, Councils, Committees, or as Issue Chair or Program Chair; individuals must be members of the Conference and must be in attendance at the CFP Biennial Conference Meeting at which they are appointed or elected; or shall have attended the CFP Biennial Conference Meeting immediately preceding the one at which they are appointed or elected. This requirement in respect to Councils and Committees may be waived by consent of the Board.
- Section 3.** Board Membership
- Subsection 1.** The Board shall be composed of twenty-three (23) voting members as follows:

- a) Six (6) members from State food regulatory agencies (one (1) from each CFP region);
- b) Six (6) members from local food regulatory agencies (one (1) from each CFP region);
- c) Three (3) members from federal agencies (one (1) from FDA, one (1) from USDA, and one (1) from CDC);
- d) Six (6) members from the food industry with at least one (1) each representing food processing, food service, retail food stores and food vending;
- e) One (1) member from an academic institution; and
- f) One (1) member representing consumers.

***Subsection 2.***

Regulatory agency, industry, academic institution and consumer Board members shall be elected by a caucus of registrants in each respective group. State and local regulatory Board members shall be elected in regional caucuses of regulatory registrants. Regulatory Board members shall be appointed by the head of their agency.

***Subsection 3.***

Such elected Board members shall serve through three (3) general CFP Biennial Mmeetings of the Conference. Elected Board members may succeed themselves unless reelection would extend the total of consecutive service to more than twelve (12) years.

The terms of elected Board members shall be staggered so that one-third (1/3) of the members are elected at each CFP Biennial Conference Mmeeting.

***Subsection 4.***

The Board shall have non-voting Ex-Officio members as follows:

- a) The Immediate Past Chair of the Board;
- b) The Chair and Vice Chair of each Council;
- c) The Conference Program Chair;
- d) Representatives from regulatory agencies regulating retail food operations in other countries of the world, such as Canada, Mexico, etc.
- e) The Executive Director, Executive Treasurer, Executive Assistant;

f) The Conference Issue Chair, and

g) The Conference Constitution and Bylaws/Procedures Chair.

**Section 4.** The Board shall elect a Chair and Vice-Chair from its membership after caucus elections are held during each biennial meeting of the Conference and they may retain their positions at the pleasure of the Board as long as they are officially members of the Board. The Board Chair and Vice-Chair shall be the Chair and Vice-Chair of Conference meetings. The Board shall retain the services of a qualified person to act as an Executive Director, Executive Treasurer, and Executive Assistant. The Executive Treasurer shall be bonded. The compensation of the Executive Director, Executive Treasurer, and Executive Assistant shall be set by the Board.

**Section 5.** The Immediate Past Chair of the Board shall continue to serve on the Board until replaced by the next retiring Chair. If the Immediate Past Chair of the Board is unable for any reason to continue to serve on the Board, the position shall remain vacant until filled by the next retiring Chair. Immediate Past Chairs shall serve on the Board as non-voting members unless re-elected to the Board in a capacity other than as Immediate Past Chair.

#### **Article V Duties of the Assembly and the Board**

**Section 1.** The Assembly with recommendation from a Council or the Board shall approve or reject all recommendations including those pertaining to the Constitution and Bylaws, any Conference procedures, all Memoranda of Understanding or other formal agreements and other necessary actions including resolutions; and establish Conference policies and positions on all subjects related to the objective of the Conference except as delegated (by the Assembly) to the Board. If a recommendation is approved, it shall be referred to the Board for appropriate disposition. If a “No Action” recommendation is rejected, the Issue will be referred to the Board for its consideration.

**Section 2.** The Board shall manage the affairs of the Conference.

**Section 3.** The Board shall meet prior to each ~~CFP Biennial Conference Meeting~~ and after the meeting closes. The Chair shall call special meetings of the Board at any time at the request of two-thirds (2/3) of its voting members. In addition, the Chair is empowered to call special meetings of the Board at any time, as the need arises, with the concurrence of two-thirds (2/3) of the voting Board members.

**Section 4.** The Board may, at the discretion of the Chair, utilize a mail service, electronic mail, or fax ballots to establish a position, action or confirm telephone ~~c~~Conference call votes. Only an authorized ballot approved by the Board shall be used. Once such a position or action has been taken, the Board shall notify all Conference members.

- Section 5.** The Board shall direct the Chair, Executive Director, and Program Chair in the preparation of the programs for each meeting of the Conference.
- Section 6.** The Board shall set the time and place of the meetings of the Conference.
- Section 7.** If voting members of the Board are unable to participate in a Board meeting, they may not send a substitute, but may forward by mail, email, or FAX, information for consideration by attending members of the Board. Voting and ex-officio members may participate through a telephone ~~c~~Conference call.
- Section 8.** Voting Board members who fail to attend two (2) consecutive Board meetings and who fail to show cause why they were absent may have their positions declared vacant by the Chair.
- Section 9.** If a vacancy occurs for any reason in Board membership between biennial meetings, the Chair with concurrence of the Board may fill the vacancy with a person representing the same discipline as the person being replaced until the next biennial meeting at which time the vacancy shall be filled by a qualified person who is properly elected.
- Section 10.** The Board shall direct the Executive Treasurer to collect registration and membership fees as necessary to defray the costs of the operation of the Conference. The Board shall cause an annual audit to be made of the Executive Treasurer's financial reports.
- Section 11.** The Board shall authorize the form used to tally votes in meetings of the Board and Assembly.
- Section 12.** The Board shall establish the registration and membership fees identified in Article III.
- Section 13.** The Board shall approve an annual budget for the fiscal year established by the Board.
- Section 14.** The Board shall appoint Committees as necessary to accomplish the Conference objective.
- Section 15.** The Board shall approve the membership of each Standing Committee.

#### **Article VI Duties of the Chair**

- Section 1.** The Chair shall preside at all meetings of the Assembly and Board, except as provided in Article VII, Section 1.
- Section 2.** The Chair shall assist the Executive Director in arranging ~~CFP Biennial Conference M~~meetings.

- Section 3.** The Chair with the approval of the Board shall appoint Council Chairs and Vice-Chairs.
- Section 4.** The Chair shall appoint Council consultants required in Article X.
- Section 5.** The Chair shall appoint Chairs of the Conference Standing Committees established in Article XV, Section 2.
- Section 6.** The Chair, with the approval of the Board, shall appoint qualified persons to Councils and Committees as provided in the Constitution and Bylaws.
- Section 7.** The Chair shall appoint a Local Arrangements Committee to assist in planning the physical facilities for the next CFP Biennial Conference Meeting.
- Section 8.** The Chair shall appoint a parliamentarian to advise on matters of parliamentary procedures at Board and Assembly meetings.
- Section 9.** The Chair, with Board approval, may retain clerical assistance for the Conference.
- Section 10.** Between Conference meetings the Chair shall require from each Council Chair a report of the status of implementation of each approved recommendation originating in the respective Council and this information shall be provided to the Conference participants.
- Section 11.** The Chair shall perform all other responsibilities and duties as detailed in the Conference Chair position description.

#### **Article VII Duties of the Vice-Chair**

- Section 1.** In the event the Chair is unable to perform the duties of the Chair, the Vice-Chair shall act as Chair.
- Section 2.** When acting as Chair, the Vice-Chair shall perform all the necessary duties for the Conference as outlined in Article VI.
- Section 3.** The Vice-Chair shall perform all other responsibilities and duties as detailed in the Conference Vice-Chair Position Description.

#### **Article VIII Duties of the Executive Director**

- Section 1.** The Executive Director shall ensure that the minutes of each meeting of the Assembly and the Board are recorded and transcribed.
- Section 2.** The Executive Director shall tally and record all voting of the Assembly on a form authorized by the Board.
- Section 3.** The Executive Director shall notify all members of the time and place of the next CFP Biennial Conference Meeting, and of Issues that are to be deliberated.

- Section 4.** The Executive Director shall accomplish the duties outlined in Article VI, Section 10; and Article XVII, Section 1, Subsections 2, 3, 4, and Section 4.
- Section 5.** The Executive Director shall maintain an up-to-date list of the qualified delegates designated as required by Article XIV.
- Section 6.** The Executive Director shall retain, subject to Board's approval, a qualified person to serve as Executive Assistant, and shall direct and oversee duties assigned to the Executive Assistant.
- Section 7.** The Executive Director shall perform all responsibilities and duties as detailed in the Executive Director Position Description.

**Article IX Duties of the Executive Treasurer**

- Section 1.** The Executive Treasurer shall collect registration and membership fees and shall pay bills as directed by the Board. The Executive Treasurer shall obtain a receipt for all disbursements and shall make all such receipts a part of Board records.
- Section 2.** The Executive Treasurer shall prepare a proposed annual budget for presentation to the Board.
- Section 3.** The Executive Treasurer shall prepare all budget and financial reports.
- Section 4.** The Executive Treasurer shall perform all responsibilities and duties as detailed in the Executive Treasurer Position Description.

**Article X Duties of the Executive Assistant**

- Section 1.** The Executive Assistant manages the information on the CFP website with the assistance of the Executive Director and a professional webmaster and publishes the CFP newsletter.
- Section 2.** The Executive Assistant maintains the CFP membership database; creates reports and rosters, and develops mailing lists.
- Section 3.** The Executive Assistant assists the Executive Director with development of a Standard Operating Procedures Manual to include Position Descriptions, Board policies and Scripts for presentations and is responsible for their maintenance.
- Section 4.** The Executive Assistant records, transcribes, and distributes Board meeting minutes.
- Section 5.** The Executive assistant assists the Executive Director with the Delegate process to include outreach and rosters.

- Section 6.** The executive Assistant assists the Executive Director with the preparation of the biennial meeting program, provides onsite assistance to the Director at the biennial meeting and compiles biennial meeting proceedings with the assistance of the Executive Director.
- Section 7.** The Executive Assistant shall perform all responsibilities and duties as detailed in the Executive Assistant Position Description.

### **Article XI Councils**

- Section 1.** There shall exist three (3) Councils in the Conference to provide for continuity of action in carrying out the objective of the Conference.

***Subsection 1.*** The Councils shall be known as Council I, Council II and Council III.

- Section 2.** Each Council shall have a Chair, Vice-Chair and twenty (20) other members to be appointed by the Conference Chair with the approval of the Board. Except as specified in Article X, Section 3, Subsection 3, the term for a Council member shall begin at appointment and expires upon adjournment of the fall Board meeting following the ~~CFP Biennial Conference Meeting~~. If a Council member cannot attend a ~~CFP Biennial Conference Meeting~~, the member's term expires and the Conference Chair may appoint a member who can attend the Council meeting during the ~~CFP Biennial Conference Meeting~~.

***Subsection 1.*** Of the twenty-two (22) members of Councils I and II, nine (9) plus one Chair or Vice-Chair shall be selected from regulatory agencies; one (1) shall be from a national, state or local consumer organization; one (1) shall be from academia; and nine (9) plus one Chair or Vice-Chair from industry.

***Subsection 2.*** Eight (8) of the food regulatory agency representatives on Councils I and II shall be equally apportioned among state and local agencies and two (2) members shall be from the territories, District of Columbia, or federal jurisdictions that regulate commercial or institutional operations. If two (2) members can not be obtained from the territories, District of Columbia or federal food inspection programs, these positions may be filled from State or local food regulatory agencies. The ten (10) industry representatives shall be apportioned so at least one (1) member represents food processing, two (2) members represent food service, two (2) members represent retail food stores and one (1) member represents food vending.

***Subsection 3.*** Of the twenty-two (22) members of Council III at least five (5) shall be from State and local regulatory agencies, at



least five (5) from industry, up to ten (10) at-large plus a Chair and Vice-Chair. The industry representatives shall include at least one (1) each from food processing, food service, retail food stores and food vending. At large members may include members representing federal agencies, Academia, and other stakeholder groups.

***Subsection 4.***

If sufficient designated members are not available at a CFP Biennial Conference Meeting to complete a Council's membership, the Conference Chair may appoint other members to the Council so long as the balance between regulatory and industry is maintained as specified.

**Section 3.** The Council Chair and Vice-Chair shall select twenty (20) Council members from persons holding membership in the Conference and offer their names for Conference Chair appointment and Board confirmation.

***Subsection 1.***

The Council Chair shall, after appointment, serve through one (1) CFP Biennial Conference Meeting. The Council Vice-Chair shall, after appointment, serve through two (2) consecutive CFP Biennial Conference Meetings, one (1) as Vice-Chair and the second as Chair.

***Subsection 2.***

On Councils I and II when the Council Chair represents a food regulatory agency, the Vice-Chair shall be an industry representative. If the Council Chair represents industry, the Vice-Chair shall be a food regulatory agency representative. The Chair and Vice-Chair from Council III shall be from one of the following disciplines – Regulatory, Industry, or Academia and at no time shall both the Chair and Vice-Chair represent the same group.

***Subsection 3.***

The term for the Council Chair and Vice-Chair shall begin at the conclusion of the scheduled CFP Biennial Conference Meeting and last through the fall Board meeting following the next biennial CFP Biennial Conference Meeting. At the end of the outgoing Chair's term, the Vice-Chair shall assume the position of Chair and a new Vice-Chair shall be appointed as set forth in Subsection 2 of this Section.

**Section 4.** Each member of the Council, other than the Vice-Chair, shall have one vote. The Council Chair shall only vote to break a tie. The Council Vice Chair shall only vote when acting as Chair.

**Article XII Council Consultants**

The following agencies and international organizations may each provide a non-voting consultant for each of the Councils:

- a. Centers for Disease Control and Prevention (CDC);
- b. U. S. Environmental Protection Agency (EPA);
- c. U. S. Food and Drug Administration (FDA);
- d. U. S. Department of Agriculture (USDA);
- e. Food and Agriculture Organization (FAO);
- f. Pan American Health Organization (PAHO);
- g. World Health Organization (WHO);
- h. The Dominion of Canada; and
- i. Others as deemed appropriate by the Board.

**Article XIII Duties and Responsibilities of Councils**

**Section 1. Council I: Council on Laws and Regulations**

***Subsection 1.*** Issues submitted to the Conference dealing with laws, regulations and model codes governing the safety of food shall be assigned to Council I by the Conference Issue Committee.

**Section 2. Council II: Council on Administration, Education, and Certification**

***Subsection 1.*** Issues submitted to the Conference dealing with matters relating to the Constitution and Bylaws, Conference procedures, memoranda of understanding, program evaluation, education, training and certification and the like shall be assigned to Council II by the Conference Issue Committee.

**Section 3. Council III: Council on Science and Technology**

***Subsection 1.*** Issues submitted to the Conference dealing with science and technology shall be assigned to Council III by the Conference Issue Committee.

**Section 4.** Councils shall deliberate on all assigned Issues. Council Chairs shall report the recommendations of their Councils to the Assembly.

**Section 5.** When a Council recommends “No Action” on an assigned Issue, the Council Chair shall record the reason why “No Action” was recommended.

**Section 6.** Duties of the Councils between CFP Biennial Conference Meetings

**Subsection 1.** Following the CFP Biennial Conference Meeting, the Conference Chair shall contact the Council Chairs to review the recommendations approved by the Assembly of State Delegates and to plan for the implementation of approved recommendations originating in their respective Councils.

**Subsection 2.** During the period between biennial meetings, the Council Chairs, shall monitor, encourage, and proactively support the progress of implementation of approved recommendations originating in their respective Councils.

**Subsection 3.** Council Chairs shall prepare a written report on the status of implementation of approved recommendations originating in their respective Councils or on the activities of committees assigned to their Council. These reports shall be submitted to the Conference Chair 30 days prior to each Board meeting or more frequently at the request of the Conference Chair.

**Subsection 4.** The new Council Chairs shall submit for Board approval the names of committee chairs and membership of all committees assigned to their Council by the fall Board meeting following the CFP Biennial Conference Meeting.

#### **Article XIV Committees**

**Section 1.** All appointments to Conference Committees shall be made to provide a balance in representation of the stakeholders in the particular matter under consideration.

**Section 2.** The following standing committees shall be established:

**Subsection 1.** Audit Committee;

**Subsection 2.** Constitution and Bylaws/Procedures Committee;

**Subsection 3.** Issue Committee;

**Subsection 4.** Managers Training, Testing and Certification Committee;

***Subsection 5.*** Nominating Committee;

***Subsection 6.*** Program Committee;

***Subsection 7.*** Resolutions Committee; and

***Subsection 8.*** Strategic Planning Committee.

**Section 3.** Other committees may be established as necessary to accomplish the Conference objective. Such committees may be for the purpose of focusing Conference resources around specific scientific disciplines, for studying multi-faceted issues, for developing new procedures or for other purposes.

***Subsection 1.*** Local Arrangements Committee shall be established for each ~~CFP Biennial Conference~~ Meeting.

**Section 4.** A committee may establish its own bylaws establishing operational procedures that may include, but are not limited to, objectives, organization and operation, duties and responsibilities. Bylaws of a committee must be approved by the Board.

**Section 5** By the Fall Board meeting following the ~~CFP Biennial Conference~~ Meeting, the Standing Committee Chairs shall submit the names of their members to the Board for approval.

#### **Article XV Duties of the Committees**

**Section 1.** The Issue Committee shall review all Issues submitted at least ninety (90) days before the ~~CFP Biennial Conference~~ Meeting. The Issue Committee shall assign for Council deliberation those Issues that have met the Issue acceptance criteria specified in the Conference Procedures Manual. Issue assignments shall be made in accordance with Article XII, Section 1, Subsection 1; Section 2, Subsection 1; and Section 3, Subsection 1.

**Section 2.** The Program Committee shall be responsible for the educational workshop and the Reports and Updates session at the biennial meeting.

**Section 3.** The Constitution and Bylaws/Procedures Committee shall submit recommendations to improve Conference administrative functions through proposals to amend the Constitution and Bylaws. The Committee shall review proposed memorandums of understanding and ensure consistency among the memorandums of understanding, the Conference Procedures manual, the Constitution and Bylaws and other working documents. The Committee shall report all recommendations to the Board prior to Council II deliberation and shall follow the direction of the Board.

**Section 4.** The Resolutions Committee shall report to the Board. Except for thank you resolutions, the Resolutions Committee shall prepare all necessary resolutions for Board approval.

**Section 5.** The Audit Committee shall report to the Board. Except when a certified public accountant conducts an audit of the Conference's financial records, the Audit Committee shall audit the Conference's financial records annually.

**Section 6.** The Managers Training, Testing and Certification Committee shall report to the Board. The Food Protection Managers Training, Testing and Certification Committee shall work with the accreditation organization for food protection manager certification programs to:

***Subsection 1.*** Establish and refine policies and standards to which certifiers must conform in order for them to be accredited;

***Subsection 2.*** Provide Conference input into the development of accreditation standards for certifying organizations specific to food protection manager certification programs;

***Subsection 3.*** Develop strategies for enhancing equivalence among food protection manager certificates issued by certifiers; and

***Subsection 4.*** Promote universal acceptance of certificates issued by accredited certifiers.

**Section 7.** All Committees, including Standing Committees, shall submit their reports in a timely prescribed manner as specified under Article II, Section 3 as follows:

***Subsection 1.*** Committees assigned to a Council, to their respective Councils; and

***Subsection 2.*** Standing Committees to the Conference Chair and Executive Director.

#### **Article XVI Duties of States, Territories and District of Columbia**

The States, territories and the District of Columbia shall be responsible for designating and keeping the Executive Director informed of the name(s) and address(es) of the person(s) designated to represent them in the Assembly.

#### **Article XVII Rules of the *CFP Biennial Conference Meeting***

**Section 1.** Registration – All participants must register.

**Section 2.** *CFP Biennial Conference Meeting*s shall be at least two (2) days duration except this requirement may be waived for special meetings called by the Board.

**Section 3.** Except for additional meetings as provided for in Article II, Section 2, the Conference will meet each even numbered year.

**Section 4.** Robert's Rules of Order shall prevail, unless specified rules are established.

**Section 5.** FDA, CDC, and USDA Reports shall be presented.

**Article XVIII Rules of the Assembly**

**Section 1.** Meetings of the Assembly shall include the following:

***Subsection 1.*** Call to order by the Chair;

***Subsection 2.*** Roll call of States, Territories and the District of Columbia and the announcement of the names of the delegates who will vote for each in the Assembly;

***Subsection 3.*** Approval of the minutes of the previous meeting;

***Subsection 4.*** *Report of the Executive Director and Executive Treasurer;*

***Subsection 5.*** Council Chair Reports, Resolutions and other new business;

***Subsection 6.*** Assembly voting;

***Subsection 7.*** Authorization that may be required by the Assembly for the Board to conclude and implement any necessary recommendations prior to the next CFP Biennial Conference Meeting; and

***Subsection 8.*** Adjournment.

**Section 2.** Each State shall be entitled to one (1) full vote and each territory and the District of Columbia shall be entitled to one-half (½) vote in the Assembly. When a State has more than one (1) State food regulatory agency enforcing food laws and regulations for food processing, food service, retail food stores and food vending, the vote may be divided into appropriate fractions. State agencies within each State must agree among themselves regarding apportioning the one (1) vote.

**Section 3.** Only a registrant at the CFP Biennial Conference Meeting who is a representative of a State, territory or District of Columbia food regulatory agency responsible for the enforcement of food laws and regulations for food processing, food service, retail food stores or food vending is entitled to be a delegate in the Assembly. When any State is represented by more than one food regulatory agency, the vote may be cast together as one vote or separately as a fraction of a vote. Representatives of States with more than one regulatory agency delegate

certified in compliance with the provisions of Section 4 of this Section may, during any meeting of the Assembly, reassign their voting privilege to another duly certified delegate from their State by giving written notice of such action to the Conference Chair. When a State is represented by only one agency, the State's delegate may cast a full vote for that State in the Assembly.

**Section 4.** At least one hundred and fifty (150) days prior to a CFP Biennial Conference Meeting the Executive Director shall send to the food regulatory agency or agencies in each State, territory and District of Columbia participating in the CFP Biennial Meeting Conference a notice of the forthcoming meeting. Each notice shall include a current copy of Article II, Section 3 and Article XVII, Sections 2 through 6 and 9 of the Constitution and Bylaws.

**Section 5.** Each Agency shall report to the Executive Director on approved forms the following:

***Subsection 1.*** The agency's officially designated regulatory responsibility regarding food processing, food service, retail food stores and food vending;

***Subsection 2.*** The name of the delegate and the alternate, if any; and

***Subsection 3.*** Designation of the vote to which that person is entitled, whether one (1) vote or a fraction of one (1) vote.

**Section 6.** In the event that more than one (1) delegate is designated and the sum of the votes designated for the delegates is greater than one (1), the Executive Director shall reject, void and return the reports to the agencies for correction. Such revision shall be submitted to the Executive Director at least forty-five (45) days before the CFP Biennial Conference Meeting.

**Section 7.** Delegates shall record their names with the Executive Director and shall cast their votes in the Assembly when called by announcing "yes", "no" or "abstain" for one (1) vote; or "yes", "no" or "abstain" for the appropriate fraction of one (1) vote.

**Section 8.** Voting in the Assembly shall be recorded by the Executive Director as "yes", "no" or "abstain".

**Section 9.** If delegates wish to caucus, they may pass when their names are called for the purpose of caucusing and then shall vote when the second roll is called.

**Section 10.** To adopt in the Assembly:

***Subsection 1.*** A quorum must be present. A quorum is defined as the presence of registered voting delegates from at least two-thirds (2/3) of the States with designated official delegates in attendance at the CFP Biennial Conference Meeting.

Each territory and the District of Columbia shall count as one half (½) State in constituting a quorum.

**Subsection 2.** To change a procedure adopted at a previous CFP Biennial Conference Meeting or to make a change in the Constitution and Bylaws requires a two-thirds (2/3) majority vote.

**Subsection 3.** Other actions require a simple majority unless specifically covered by Robert's Rules of Order.

#### **Article XIX Parliamentary Authority**

**Section 1.** The rules of parliamentary procedure comprised in the current edition of Roberts Rules of Order, Newly Revised, shall govern all proceedings of the Conference and the Executive Board, subject to such special rules as have been or may be adopted.

#### **Article XX Dissolution of the Conference**

**Section 1.** Upon the dissolution of the Conference, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or tax code, or shall be distributed to the federal government, or to a State or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

#### **Article XXI Amendments to the Constitution and Bylaws**

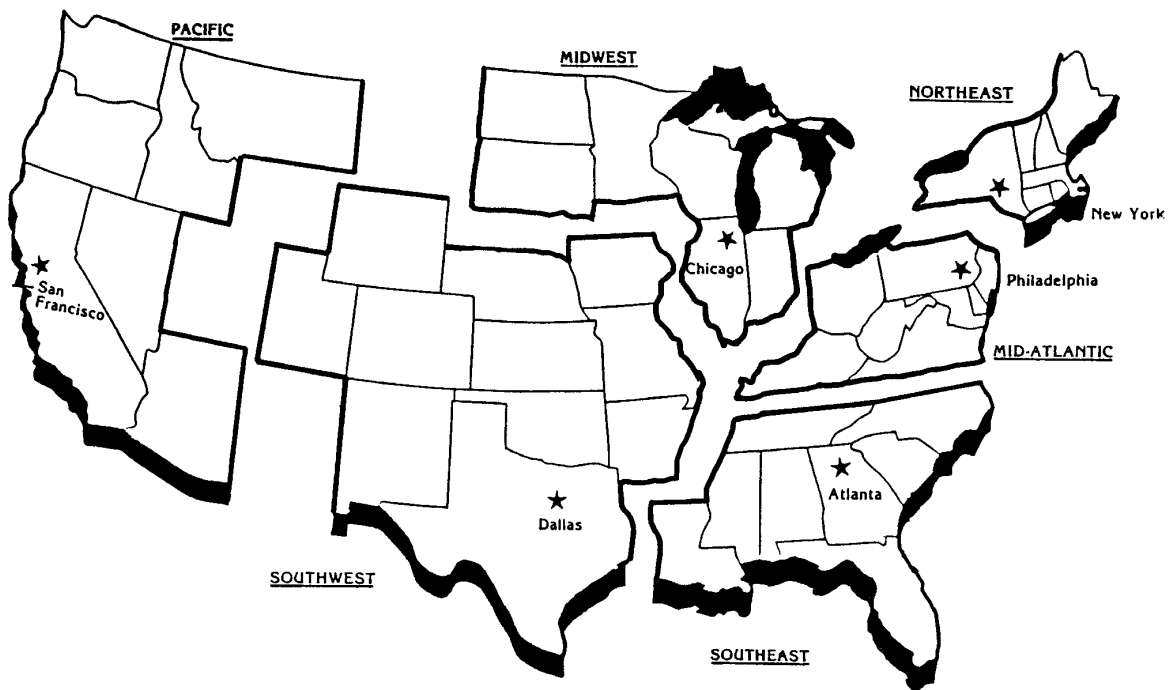
**Section 1.** The Constitution and Bylaws may be amended at a duly called CFP Biennial Conference Meeting, the delegates having had thirty (40) days notice from the Executive Director of such proposal to amend as provided in Article II, Section 3 and Article VIII, Section 3.

**Section 2.** Amendments to the Constitution and Bylaws will become effective at the close of the biennial meeting at which they are adopted.



## *Appendix*

### Map of CFP Regions\*

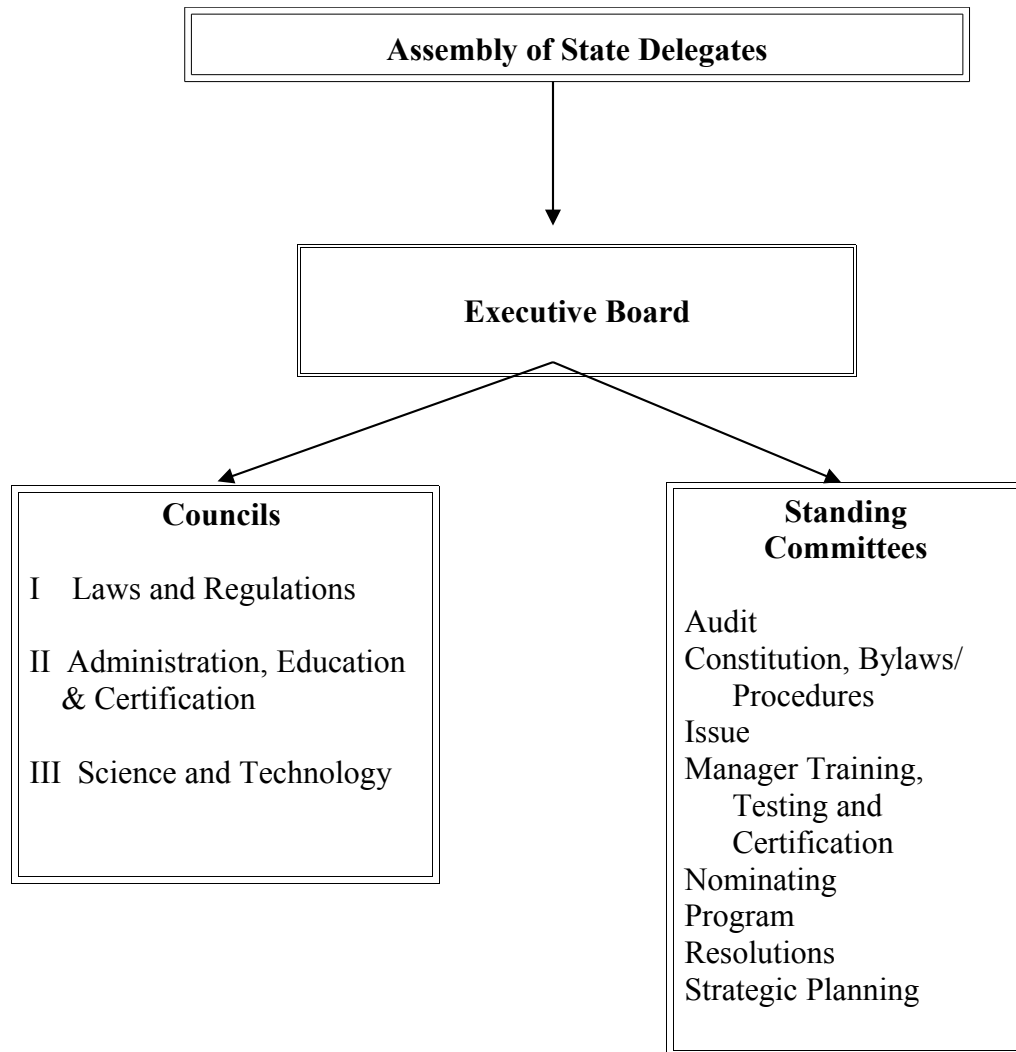


Non-contiguous states and territories not shown on map

\*Used in Allocating Members of Executive Board

<u>Mid-Atlantic</u>	<u>Midwest</u>	<u>Pacific</u>	<u>Southeast</u>	<u>Northeast</u>	<u>Southwest</u>
DE	IL	AK	AL	CT	AR
DC	IN	AS	FL	MA	CO
KY	MI	AZ	GA	ME	IA
MD	MN	CA	LA	NH	KS
OH	ND	CM	MS	NY	MO
NJ	SD	GU	NC	RI	NE
PA	WI	HI	PR	VT	NM
VA		ID	SC		OK
WV		MT	TN		TX
		NV	VI		UT
		OR			WY
		TT			
		WA			

*Conference for Food Protection Organizational Chart*



***Organizational Structure Composition  
Assembly of State Delegates***

<b>Role:</b>	Approves or rejects all Council recommendations
<b>Chair and Vice-Chair:</b>	Conference Chair and Vice-Chair preside at meetings of the Assembly
<b>Delegates:</b>	<p>Designated by 57 food regulatory agencies representing:</p> <p>50 States</p> <p>6 Territories</p> <ul style="list-style-type: none"><li>• American Samoa</li><li>• Guam</li><li>• Northern Mariana Islands</li><li>• Puerto Rico</li><li>• Trust Territory</li><li>• U.S. Virgin Islands</li></ul> <p>1 District of Columbia</p>
<b>Voting:</b>	<p>53<sup>1/2</sup> total possible</p> <p>50 States have 1 vote each; those States with multiple State regulatory jurisdictions may divide vote equitably</p> <p>6 Territories and DC have ½ votes each</p>

### ***Executive Board***

<b>Role:</b>	Manages the affairs of the Conference
<b>Chair and Vice-Chair:</b>	Elected from Board Voting Membership
<b>Members:</b>	23 elected to staggered terms by caucus of registrants in each respective group; federal members are appointed by agency head
<b>Voting</b>	<ul style="list-style-type: none"><li>6 State regulatory agencies (1 each per CFP Region)</li><li>6 Local regulatory agencies (1 each per CFP Region)</li><li>3 Agencies (FDA, USDA and CDC))</li><li>6 Food Industries</li><li>1 Academic Institution</li><li>1 Consumer Representative</li></ul>
<b>Non-Voting Ex-Officio</b>	<ul style="list-style-type: none"><li>1 Immediate Past Chair</li><li>3 Chairs of each Council</li><li>3 Vice Chairs of each Council</li><li>1 Program Chair</li><li>1 Issue Chair</li><li>1 Constitution and Bylaws/Procedures Chair</li><li>4 International Representatives ;( i.e. Canada, Mexico, etc.)</li><li>1 Executive Director</li><li>1 Executive Treasurer</li><li>1 Executive Assistant</li></ul>

## ***Councils***

- Role:** Deliberate assigned Issues and develop recommendations for Assembly consideration
- Chairs and Vice-Chairs:** 2 appointed by Conference Chair with approval of Board. For Councils I and II, if the Chair has a regulatory affiliation, the Vice-Chair is to be an industry affiliate, and vice versa. The Chair affiliation alternates back and forth each term.
- Members:** 20 selected by Council Chair and Vice-Chair for appointment by Conference Chair with approval of Board
- I. Council on Laws and Regulations
- Regulatory (including Chair or Vice Chair)
- 4 Local
  - 4 States
  - 2 Territorial, DC or Federal
- Industry (including Chair or Vice Chair)
- 1 Food Processing
  - 2 Food Service
  - 2 Food Store
  - 1 Food Vending
  - 4 Not specified
- Consumer and Academia
- 1 Consumer
  - 1 Academic
- II. Council on Administration, Education and Certification
- Membership allocated as shown in Council I
- III. Council on Science and Technology
- 5 Regulatory agencies (min.) selected from State and Local
  - 5 Food industry (min.) with at least 1 each from food processing, food service, food stores and food vending

10 At-large including consumer and academia and may include federal and other

**Consultants:**

9 possible

4 Designated Federal Agencies

3 Designated International Organizations

Additional if necessary, as deemed by the Board.

**Voting:**

Chair votes only to break a tie; Vice-Chair does not vote.

## ***Committees***

### **Appointments**

All appointments to Conference Committees shall be made to provide a balance in representation of the stakeholders in the particular matter under consideration.

### **Standing Committees:**

#### ***Audit Committee***

**Role:** Except when a certified public accountant conducts an audit of the Conference's financial records, the Audit Committee audits the Conference's financial records annually. Committee reports to the Board.

**Chair:** Appointed by Conference Chair

#### ***Constitution and Bylaws/Procedures Committee***

**Role:** Submits recommendations to improve Conference administrative functions through proposals to amend the Constitution and Bylaws. Reviews proposed memoranda of understanding and ensure consistency among the memoranda of understanding, the Conference Procedures manual, the Constitution and Bylaws and other working documents. Reports all recommendations to the Board prior to Council II deliberation and follows the direction of the Board. Committee reports to the Board.

**Chair:** Appointed by Conference Chair

#### ***Issue Committee***

**Role:** Reviews all Issues submitted to Conference and assigns to Councils for deliberation. Committee reports to the Board.

**Chair:** Appointed by Conference Chair

#### ***Managers Training, Testing and Certification Committee***

**Role:** Reports to the Board. Works with the accreditation organization for food protection manager certification programs to:

- a. Establish and refine policies and standards to which certifiers may conform in order for them to be accredited;

- b. Provide Conference input into the development of accreditation standards for certifying organizations specific to food protection manager certification programs;
- c. Develop strategies for enhancing equivalence among food protection manager certificates issued by certifiers; and
- d. Promote universal acceptance of certificates issued by accredited certifiers.

**Chair:** Appointed by Conference Chair

#### *Nominating Committee*

**Role:** Selects the nominee for the Conference Chair and Vice Chair. Committee reports to the Board.

**Chair:** Immediate Past Chair of the Conference

#### *Program Committee*

**Role:** Assists in planning and arranging of ~~CFP Biennial Conference-M~~meeting. Committee reports to the Board.

**Chair:** Appointed by Conference Chair

#### *Resolutions Committee*

**Role:** Except for thank you resolutions, the Resolutions Committee prepares all necessary resolutions for Board approval. Committee reports to the Board.

**Chair:** Appointed by Conference Chair

#### *Strategic Planning Committee*

**Role:** Develops a strategic plan which includes better ways to market the Conference as well as short-range and long-range strategic issues using the mission and vision of the Strategic Plan as guidance. Committee reports to the Board.

**Chair:** Appointed by Conference Chair



### ***Other Committees***

Appointed as needed to carry out Conference objectives.

## *Timeline for Conference Activities*

This chart outlines the “When, Whom and What” of actions that are to be taken.

7

Line    0-----0----- 0-----0-----                      --0-----  
-150   -90     -40                      During Conference                      Afterwards

1.	At least 150 days preceding <u>CFP Biennial Conference Meeting</u>	Executive Director (Art. II, Sec. 3 and Art. XVII, Sec. 4)	Announces to members the time and place of <u>CFP Biennial Conference Meeting</u> , and provides forms for submitting Issues and proposals
2.	By 90 days preceding <u>CFP Biennial Conference Meeting</u>	Any person (Art. II, Sec. 3)	May submit Issues which must be submitted on approved forms by this deadline
		Program Committee (Art. II, Sec. 3 and Art. XIV, Sec. 1)	Reviews properly submitted Issues and assigns each for Council deliberation
3.	By 90 days preceding <u>CFP Biennial Conference Meeting</u>	All Committees (Article II, Section 3)	Shall submit a report to the appropriate Council and Conference
4.	By 40 days preceding <u>CFP Biennial Conference Meeting</u>	Executive Director (Article II, Section 3)	Make available to members Committee reports and copies of Issues which have been properly submitted and assigned to Council
5.	During <u>CFP Biennial Conference Meeting</u>	Councils (Art. II, Sec. 3 and Art. XII, Sec. 4)	Deliberate assigned Issues and develop recommended actions for Assembly consideration
		Assembly (Art. V, Sec. 1)	Approves or rejects actions recommended by Councils
6.	During <u>CFP Biennial Conference Meeting</u>		Submits approved actions to States and Board for implementation
			May return rejected actions to originating body explaining basis for rejection or reassignment
		Board (Art. V, Sec. 1)	Distributes Assembly actions to Conference members for implementation
7.	Following <u>CFP Biennial</u>		

Conference <u>M</u> meeting		
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