Conference for Food Protection
2012 Issue Form

Internal Number: 028
Issue: 2012 I-001

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Report - Plan Review Committee

Issue you would like the Conference to consider:
The Conference for Food Protection (CFP) Plan Review Committee seeks Council I's acknowledgement of its final committee report and requests that the committee be re-created to continue its review of the Permanent Outdoor Cooking Operations and the Mobile Food Establishment documents and present their findings at the 2014 CFP Biennial Meeting.
See additional Committee submitted Issues titled:

- Temporary Food Establishments 2011 Final Document
- Re-Creation of Plan Review Committee

Public Health Significance:
The Plan Review Committee has been tasked with the on-going development of the plan review documents for food establishments, temporary food establishments, mobile food establishments and permanent outdoor cooking operations. The objective of each document is to provide assistance to regulatory jurisdictions during the plan review process with an overarching goal of consistency and standardization.

Recommended Solution: The Conference recommends...:
1. Acknowledgement of the CFP Plan Review Committee Report including the following attachments (content attachments presented for approval as the Issue titled: Temporary Food Establishments 2011 final document):

- Temporary Food Establishments 2011 Final Document
- Attachment I - Application To Operate A Temporary Food Establishment
- Attachment II - Event Organizer Application To Operate Temporary Food Establishments
- Attachment III - Temporary Food Establishment - Expanded Process Flow

2. Thank the Committee members.

Submitter Information:
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Attachments:

- "Plan Review Committee Final Report"
- "Plan Review Committee Member Roster"
- "Temporary Food Establishments 2011 Final Document"
- "Attachment I - Application To Operate A Temporary Food Establishment"
- "Attachment III - Temporary Food Establishment - Expanded Process Flow"
- "Attachment II - Event Organizer Application to Operate Temporary Food Estab"

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Conference for Food Protection
2012 Issue Form

Internal Number: 029
Issue: 2012 I-002

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Temporary Food Establishments 2011 Final Document

Issue you would like the Conference to consider:
The Conference for Food Protection (CFP) Plan Review Committee seeks acceptance of the document titled "Temporary Food Establishments 2011 Final Document and Attachments I, II and III".

Public Health Significance:
The Plan Review Committee has been tasked with the on-going development of the plan review documents for food establishments, temporary food establishments, mobile food establishments and permanent outdoor cooking operations. The objective of this document is to assist regulatory authorities and the food industry in understanding the review; approval and operation of Temporary Food Establishments.

Recommended Solution: The Conference recommends...:
that the following documents be accepted and posted on the CFP website (NOTE: documents can be found attached to the Issue titled: Report - Plan Review Committee):

- Temporary Food Establishments 2011 Final Document
- Attachment I - Application To Operate A Temporary Food Establishment
- Attachment II - Event Organizer Application To Operate Temporary Food Establishments
- Attachment III - Temporary Food Establishment - Expanded Process Flow

The Conference further recommends that a letter be sent to FDA requesting that these documents also be made available on the FDA website.

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Conference for Food Protection
2012 Issue Form

Internal Number: 030
Issue: 2012 I-003

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Re-Create Plan Review Committee

Issue you would like the Conference to consider:
The Conference for Food Protection (CFP) Plan Review Committee requests that the committee be reinstated to continue its review of the existing Permanent Outdoor Cooking Operations and the Mobile Food Establishment documents and present their findings at the 2014 CFP Biennial Meeting.

Public Health Significance:
The Plan Review Committee has been tasked with the on-going development of the plan review documents for food establishments, temporary food establishments, mobile food establishments, and permanent outdoor cooking operations. The objective of each document is to provide assistance to regulatory jurisdictions during the plan review process with an overarching goal of consistency and standardization.

Recommended Solution: The Conference recommends...:
Re-creating the Plan Review committee following the CFP 2012 Biennial Meeting to continue its review and update of the following Conference for Food Protection documents and present their findings at the 2014 CFP Biennial Meeting:
a. Permanent Outdoor Cooking Operations (2003)
b. Mobile Food Establishments (2006)

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Conference for Food Protection
2012 Issue Form

Internal Number: 001
Issue: 2012 I-004

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Change definition of PHF/TCS to TCS

Issue you would like the Conference to consider:
Following issuance of the final report "Evaluation and Definition of Potentially Hazardous Foods" (Technologists, 2010) by the Institute of Food Technologists (IFT) on December 31, 2001 the recommendation was made to change the name of "potentially hazardous foods" or "PHF" to "temperature control for safety food" or "TCS". The report advised that use of both terms (e.g. PHF/TCS) during a transition phase would facilitate migration from one term to the next. Now over a decade since the IFT report, the transition term has been in common use in the FDA Food Code since 2005.

The definition of "Potentially Hazardous Food (Time/Temperature Control for Safety Food)", abbreviated PHF/TCS in the FDA Food Code, has now been in common use for over six years. While it has served its purpose for introducing the new term, the time has come to complete the migration to the new definition. The definition and abbreviation for "Potentially Hazardous Food (Time/Temperature Control for Safety Food)" or "PHF/TCS" should be modified to drop the reference to "potentially hazardous food" and "PHF". Instead, the definition should read "Time/Temperature Control for Safety Food" abbreviated as "TCS".

Public Health Significance:
By eliminating use of both terms, the final intent of the IFT report will be realized by simply using the term "Time/Temperature Control for Safety Food" or "TCS". Stakeholders that use the FDA Food Code will be able to communicate clearly with others and the public more effectively using this simple term. Emphasis on time and temperature in the name of this definition will focus attention on critical elements of food safety that can be effectively controlled.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the following change to the 2009 Food Code (as modified by the Supplement issued in 2011):

Replace the current definition "Potentially Hazardous Food (Time/Temperature Control for Safety Food)" abbreviated as "PHF/TCS" with the new term "Time/Temperature Control for Safety Food" abbreviated "TCS" throughout the entire FDA Food Code.

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Attachments:

- ""Technologists, 2010""

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Conference for Food Protection
2012 Issue Form

Internal Number: 004
Issue: 2012 I-005

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Sore throat with fever

Issue you would like the Conference to consider:
Food and Drug Adminstration 2009 Food Code , section 2-201.13(G) requires a person with sore throat and fever to not return to work until they have medical documentation of being free of ***Streptococcus pyogenes*** or have received professional medical treatment for same.
This requirement is too strict considering the risk.

Public Health Significance:
A sore throat is a frequent symptom of the common cold or other acute respiratory tract infections. Strep throat is caused by Group A *streptococcus*.
Antibiotics are needed if a healthcare provider diagnoses you or your child with strep throat, which is caused by bacteria. Strep throat cannot be diagnosed by looking in the throat - a lab test must also be done. Antibiotics are prescribed for strep throat for the purpose of preventing rheumatic fever . If the test result shows strep throat, the infected patient should stay home from work, school, or day care until 24 hours after starting an antibiotic.
The following links are CDC references that do not support the need for such a strict requirement -
CDC 2011 Foodborne Illness Estimates located at

- http://www.cdc.gov/foodborneburden/2011-foodborne-estimates.html#annual

Top 5 pathogens contributing to foodborne illness

- http://www.cdc.gov/foodborneburden/PDFs/FACTSHEET_A_FINDINGS_updated4-13.pdf

Trends in Foodborne Illness in the US

- http://www.cdc.gov/foodborneburden/trends-in-foodborne-illness.html#foodnet

Get Smart: Know when antibiotics work - Sore throat

- http://www.cdc.gov/getsmart/antibiotic-use/URI/sore-throat.html

Changing this requirement will reduce a misplaced effort on rare foodborne illness. Change will promote reporting of symptoms. Requirements will be more in line with risk to public health.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) Section 2-201.13(G) be amended so that persons with sore throat and fever can return to work after being free of symptoms for 24 hours.

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Conference for Food Protection
2012 Issue Form

Internal Number: 057
Issue: 2012 I-006

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Report-Wild Harvested Mushroom Committee

Issue you would like the Conference to consider:
During the 2010 Conference for Food Protection Biennial Meeting in Providence, Rhode Island the Wild Harvested Mushroom committee was created and given the following charges as an outcome of Issue 2010 I-008:
The Conference recommends that the Council consider forming a committee to continue discussion of this issue and that the following language and attachments for consideration to be placed on the CFP website as guidance listing steps that states can use to develop and implement a wild harvested mushroom program for their state. The charges will be:
(1) Develop guidelines to help regulators address the issue of wild mushrooms in food establishments;
(2) Report back at the 2012 CFP;
(3) The name of the committee will be Wild Harvested Mushrooms Committee.
This Issue presents the Wild Harvested Mushrooms Committee's final report along with committee roster and requests acknowledgement of the attached report.
The Wild Harvested Mushrooms Committee worked to complete their charges by developing a model program that regulatory agencies can use when addressing the issue of wild harvested mushrooms in retail and food service establishments.

Public Health Significance:
Due to public health food safety concerns, regulatory agencies in many jurisdictions follow the lead of the US FDA model Food Code (*hereafter model Food* Code) in requiring that wild harvested mushrooms sold to the public be identified by "an approved mushroom identification expert" (2009 model Food Code, *Section 3-201.16*). However, the pathway both for becoming an "approved mushroom identification expert" and having a regulatory agency recognize one are not well established or defined. The model Food Code recommends that all food served to the public must come from safe sources. The model Food Code further stipulates that mushrooms species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert. However the model Food Code does not establish what constitutes the basis for approval of an identification expert. Due to the lack of established criteria and recognized training courses, some regulatory jurisdictions

entirely prohibit the sale of wild harvested mushrooms. Other states have a limited program to allow specific species to be sold. The model program proposed here addresses this "gap" in public health interventions by providing clear guidance for regulatory agencies to use when addressing the issue of wild harvested mushrooms in foodservice establishments.

Recommended Solution: The Conference recommends...:
acknowledgement of the Wild Harvested Mushrooms Committee's final report and recognize the effort that committee members put forth in completion of the charges issued by the 2010 biennial meeting.

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Attachments:

- "Wild Harvested Mushroom Committee List"
- "CDC MMWR Wild Mushroom reports 2011"
- "Food Safety News-California Wild Mushroom statement"
- "New Hampshire statement on wild mushrooms"
- "Washington Post article on consumption"
- "Wild Harvested Mushroom Committee Final Report"

Conference for Food Protection
2012 Issue Form

Internal Number: 062
Issue: 2012 I-007

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Redefine "approved mushroom identification expert" in Food Code § 3-201.16

Issue you would like the Conference to consider:
By its own admission § 3-201.16 in Annex 3 of the 2009 FDA Food Code identifies that "regulatory authorities have expressed their difficulty in determining what constitutes a "wild mushroom identification expert" and enforcing the Food Code provisions associated with it." An attempt was made in 1998 by a Conference for Food Protection committee to more precisely provide guidance, however they were unable to provide the information in a useful way for stakeholders. Following two reported wild mushroom poisonings linked to exposure at food establishments in 2008 in Maine, the Health Inspection Program brought forward a proposal to the 2010 Conference for Food Protection (2010 Issue I-08) to overhaul § 3-201.16, but instead a committee was again charged to 'develop guidelines to help regulators address the issue of wild mushrooms in food establishments'.
Since 1993, this section has required an 'expert' to identify wild mushrooms. However after nineteen years, regulators are still having 'difficulty' identifying what an 'expert' is or how to evaluate one. Instead of documenting 'difficulty' with this section as described in Annex 3, this issue proposes a way forward to remove the challenges associated with this term to provide clarity for all stakeholders.

Public Health Significance:
Following the guidance set forth in the Food and Drug Administration's model Food Code, regulations in many jurisdictions require that wild harvested mushrooms sold to the public be identified by "an approved mushroom identification expert". However, the criteria for becoming an approved identifier are not identified or well established. The Food Code recommends that all food served to the public must come from safe sources. The Food Code stipulates that mushrooms species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert, but does not establish what constitutes the basis for approval of an identification expert. Some jurisdictions require the identification expert to be someone who has successfully completed an identification course provided either by a college, university or mycological society. Due to the lack of established criteria and recognized training courses, eleven states have now entirely prohibited the sale of wild

harvested mushrooms. Other states have a limited program to allow specific species to be sold.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting that Section 3-201.16 of the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows: (new language in underline format, language to be removed in strike-through)
1) remove the term 'approved mushroom identification expert' from Section 3-201.16 (A) and replace it with the term 'approved mushroom identifier' as noted below.
(A) Except as specified in ¶ (B) of this section, mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by an APPROVED mushroom identifier ~~identification expert~~. P
2) include the definition noted below regarding an approved mushroom identifier.
Approved Mushroom Identifier: *One who has successfully completed a required course on identification of selected species of harvested mushrooms, the appropriate harvest, storage and preparation of those species; and who has demonstrated competence by passing an exam acceptable to the regulatory authority.*

Submitter Information:

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Conference for Food Protection
2012 Issue Form

Internal Number: 058
Issue: 2012 I-008

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Resources and Criteria to Select Wild Mushroom Species

Issue you would like the Conference to consider:
This issue describes two of the five important elements of a model wild harvested mushroom program, which will permit a variety of wild harvested mushrooms to be sold to and by retail and foodservice establishments. Mushroom species vary from state to state and region to region. The recommended solution provides a method for jurisdictions to create a species list for mushrooms approved for sale or service. This will also provide a basis for regulatory agencies to collaborate with colleges, universities and/or local mycological organizations to approve wild mushroom identifiers.

Public Health Significance:
The trade of wild harvested mushrooms is an established and rapidly growing industry that impacts consumers through wholesale, retail and restaurant services. The inability of Regulatory Authorities to effectively regulate and approve individuals as competent to identify mushrooms fosters the back door trading of wild harvested mushrooms and poses a threat to the consumer population through the potential ingestion of mushrooms that have been misidentified.

Recommended Solution: The Conference recommends...:
that a letter be sent to FDA requesting that Annex 3 Section 3-201.16 of the 2009 Food Code (as modified by the Supplement issued in 2011) be amended to include the information noted below regarding recommended resources and criteria to select wild mushroom species. (new language in underline format).

Recommended Committee Resources

A regulatory authority may choose to form a committee to determine which fresh, wild harvested mushroom species are appropriate for commercial harvest in their state. Representatives from the following groups may be considered for membership:

- Regulatory agencies from departments that oversee restaurants, markets and farmers' market;
- Local Poison Centers;
- Local mycological organizations;
- Restaurant Associations;

- College or university personnel who are competent identifiers of wild mushrooms;
- Commercial wild mushroom foragers;
- Wild Mushroom Brokers;
- Chefs who serve fresh wild harvested mushrooms

Criteria to Select Wild Mushroom Species

Individual regulatory authorities may use the following criteria to establish a list of wild mushroom species for harvest and sale to the public. Wild mushrooms on the approved list for an approved mushroom identifier may be sold to or by a food establishment. Wild Mushroom Species that are:

- currently in commerce according to foragers, chefs and dealers in the jurisdiction;
- easily identified with field characteristics as determined by the jurisdiction;
- common, in a specific jurisdiction as determined by the committee;
- generally considered a low allergic reaction risk as determined by the committee;
- consideration may be given for wild mushrooms approved for sale in other states (to be imported from those states), if accompanied by appropriate records.

The Conference also recommends that the above language be incorporated into a single Wild Harvested Mushroom Guidance Document and posted on the CFP website so that state and local jurisdictions can use this information to develop and implement their own wild harvested mushroom program.

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Conference for Food Protection
2012 Issue Form

Internal Number: 059
Issue: 2012 I-009

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Wild Harvested Mushroom Record-Keeping and Traceability

Issue you would like the Conference to consider:
From 1960-2010, the CDC's *Morbidity and Mortality Weekly Report* documented at least twenty-four reports attributed to environmental health-related mushroom and plant poisoning (Henry Falk, 2011). More recently, the California Department of Public Health (CDPH) reported that 1,748 cases of mushroom ingestion were reported for 2009-2010 where two people died and ten others suffered major health consequences including liver failure or kidney dialysis (Food Safety News, 2011). Following heavy rains from a hurricane and tropical storm that affected the US east coast this past fall, the New Hampshire Department of Health and Human Services (Services, 2011) issued a warning regarding consumption of wild mushrooms and the Washington Post (Stephens, 2011) featured an article where two men went into liver failure after consuming wild mushrooms that were more abundant due to the wet weather. While the majority of these cases document recreational exposure as compared with food establishment exposure, these incidents of wild mushroom ingestion highlight the effects of foodborne intoxication and illness that follow. Along with this cautionary information, it is important to acknowledge that wild mushrooms can also be a healthy, edible source of nutritious food provided they are from a safe source. Unfortunately, the admitted "difficulty" that regulatory agencies have found when relying on the guidance provided by the FDA model Food Code (*hereafter model Food Code*) to define "approved wild mushroom identification expert" to assure safe sources has left regulators without sufficient avenues to address the issue of wild harvested mushrooms at retail and foodservice establishments (2009 FDA Food Code, Annex 3, Section 3-201.16). In fact, eleven states have gone on to ban the sale or service of wild harvested mushrooms at restaurants and farmers markets due to the lack of clearly identified safe sources from 'approved wild mushroom identification experts'.
This issue seeks to provide regulatory authorities with a mechanism for initiating prompt tracebacks or recalls if wild harvested mushrooms are implicated in a foodborne illness or outbreak following ingestion at a foodservice establishment or retail.
Sources:
Henry Falk, M. (2011). Environmental Health in MMWR-1961-2010. *Morbidity and Mortality Weekly Report* , 86-96.

Newsdesk. (2011, November 26). Wild Mushrooms Can Kill, California Health Officer Warns. *Food Safety News* .
Services, N. H. (2011, August 27). DHSS Issues Warning About Accidentally Eating Poison Mushrooms. Concord, New Hampshire.
Stephens, J. (2011, September 18). 2 Discover Tasty Mushrooms Can Be Dangerous. *Washington Post* . Washington, DC.

Public Health Significance:
In the event of a foodborne illness or outbreak related to wild harvested mushrooms, regulatory authorities that are responsible for assuring food safety must be able to conduct traceback investigations for implicated foods or initiate recalls as required. Additionally, food service operations and retail stores must have the ability to quickly segregate and remove implicated foods from sale or use.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be modified by placing into Annex 3, Section 201.16 guidelines indicated below for wild harvested mushroom recordkeeping and tracebacks (new language in underline format).
In order to assure traceability, the responsibility of the approved mushroom identifier must be delineated. Therefore each batch of mushrooms obtained from a wild mushroom approved identifier must be accompanied by a tag or label and include the following information:

1. Approved identifier name;
2. Address & phone number;
3. Latin binomial name and locally used common name;
4. Harvest date;
5. Harvest location (town, county, township, etc);
6. Harvest weight;
7. Name of forager if not harvested by an approved identifier;

All foodservice establishments and retail or wholesale stores that receive wild harvested mushrooms should retain the wild harvested mushroom tag or label and make them available upon request by the regulatory authority. The wild harvested mushroom tags are to remain attached to the container in which the wild harvested mushrooms were received until the container is empty. The tags are to be retained for at least sixty (60) calendar days from the date the container is emptied as illness may take up to two (2) weeks to present, two (2) more weeks for diagnosis, and up to thirty (30) days for epidemiological investigation and traceback. Commingling of wild harvested mushroom lots is not recommended as it serves to confound traceback investigations and hinder efforts to remove implicated product from the food chain.
The Conference also recommends that the above language be incorporated into a single Wild Harvested Mushroom Guidance Document and posted on the CFP website so that state and local jurisdictions can use this information to develop and implement their own wild harvested mushroom program.

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Conference for Food Protection
2012 Issue Form

Internal Number: 060
Issue: 2012 I-010

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Wild Harvested Mushroom Curriculum

Issue you would like the Conference to consider:
This issue describes one of the five important elements of a model wild harvested mushroom program, which will permit a variety of wild harvested mushrooms to be sold to and by retail and foodservice establishments.
The FDA Food Code specifies that mushrooms species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert, but does not establish what constitutes the basis for approval of an identification expert. Due to the lack of established criteria and recognized training courses the best way to protect public health is to provide education and training which includes a curriculum on how to safely and properly identify wild harvested mushrooms.

Public Health Significance:
The trade of wild harvested mushrooms is an established and rapidly growing industry that impacts consumers through wholesale, retail and restaurant services. The inability of regulatory authorities to effectively regulate and approve individuals as competent to identify mushrooms fosters the back door trading of wild harvested mushrooms and poses a threat to the consumer population through the potential ingestion of mushrooms that have been misidentified.

Recommended Solution: The Conference recommends...:
that a letter be sent to FDA requesting that Annex 3 Section 3-201.16 of the 2009 Food Code (as modified by the Supplement issued in 2011) be amended to include the information noted below regarding Curriculum for the Approved Mushroom Identifier (new language in underline format).
<u>Curriculum for the Approved Mushroom Identifier this is to be developed and administered by the committee established by the regulatory authority. The curriculum should include general information about the following:</u>

- <u>Mushroom anatomy as it relates to identification;</u>
- <u>Mushroom toxins and case histories of poisonings;</u>

- Specific information regarding habitat, including information on areas that are considered inappropriate for harvest (treated areas, brownfields, etc.);
- Proper collection, including information on proper harvesting and species conservation techniques; and
- Information on areas where harvesting is not permitted, or permitted only with permission.

The curriculum should also include specific information about the approved species including:

- Latin binomial and approved common name;
- Specific characteristics required for proper identification, including differentiating characteristics of similar toxic and non-toxic species;
- Characteristics for determining that (if) the mushroom is in good condition;
- Information about proper storage;
- Information about proper preparation; and
- Information about regulations that the harvester must comply with.

The Conference also recommends that the above language be incorporated into a single Wild Harvested Mushroom Guidance Document and posted on the CFP website so that state and local jurisdictions can use this information to develop and implement their own wild harvested mushroom program.

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Conference for Food Protection
2012 Issue Form

Internal Number: 061
Issue: 2012 I-011

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Wild Harvested Mushroom Exam

Issue you would like the Conference to consider:
This issue describes one of the five important elements of a model wild harvested mushroom program, which will permit a variety of wild harvested mushrooms to be sold to and by retail and foodservice establishments.
The FDA Food Code specifies that mushrooms species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert, but does not establish what constitutes the basis for approval of an identification expert. Due to the lack of established criteria and recognized training courses, the best way to protect public health is to provide education and training including an exam to demonstrate knowledge on how to safely and properly identify wild harvested mushrooms.

Public Health Significance:
The trade of wild harvested mushrooms is an established and rapidly growing industry that impacts consumers through wholesale, retail and restaurant services. The inability of Regulatory Authorities to effectively regulate and approve individuals as competent to identify mushrooms fosters the back door trading of wild harvested mushrooms and poses a threat to the consumer population through the potential ingestion of mushrooms that have been misidentified.

Recommended Solution: The Conference recommends...:
that a letter be sent to FDA requesting that Annex 3 Section 3-201.16 of the 2009 Food Code (as modified by the Supplement issued in 2011) be amended to include the information noted below regarding a Wild Harvested Mushroom Exam.
Exam for the Approved Mushroom Identifier
This is to be developed and administered by individuals who have demonstrated competence as a trainer and are competent in the field identification of wild harvested mushroom species in their jurisdiction, as verified by a mycological association or other educational institution. The regulatory authority may choose to have the exam designed by a psychometrician or standardized by a third party authority. If these are not deemed

reasonable, the regulatory authority may use another technique to ensure that the exam is legally defensible.

The exam should test individuals on the information in the curriculum with special emphasis on species identification. Use of photos is highly recommended. In some cases it may be appropriate to include a lab practicum with fresh samples of the approved species and their similar species to test identification skills. The passing score is to be determined by the regulatory authority.

For the purposes of this recommendation, the ***trainer*** is defined as an individual who has demonstrated competence as an educator, competence in the field identification of wild mushroom species, and whose competence has been verified by a mycological association or educational institution recognized by the regulatory agency. Examples of organizations are North American Mycological Association (NAMA), Cooperative Extensions, Mycological Society of America, local or regional mycological associations, schools, colleges and universities. An advanced degree in Mycology does not necessarily qualify an individual as an approved trainer in the field identification of mushroom species.

The Conference also recommends that the above language be incorporated into a single Wild Harvested Mushroom Guidance Document and posted on the CFP website so that state and local jurisdictions can use this information to develop and implement their own wild harvested mushroom program.

Submitter Information:

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Conference for Food Protection
2012 Issue Form

Internal Number: 015
Issue: 2012 I-012

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Re-create Wild Harvested Mushroom Committee

Issue you would like the Conference to consider:
Due to public health food safety concerns, regulatory agencies in many jurisdictions follow the lead of the US FDA model Food Code (*hereafter model Food* Code) in requiring that wild harvested mushrooms sold to the public be identified by "an approved mushroom identification expert" (2009 model Food Code, *Section 3-201.16*). However, the pathway both for becoming an "approved mushroom identification expert" and having a regulatory agency recognize one are not well established or defined. The model Food Code recommends that all food served to the public must come from safe sources. The model Food Code further stipulates that mushrooms species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert. However the model Food Code does not establish what constitutes the basis for approval of an identification expert. Due to the lack of established criteria and recognized training courses, some regulatory jurisdictions entirely prohibit the sale of wild harvested mushrooms. Other states have a limited program to allow specific species to be sold.

Public Health Significance:
Continuing the work of the Wild Harvested Mushroom Committee will assure that the committee's charge, issued in 2010 to "develop guidelines to help regulators address the issue of wild mushrooms in food establishments", is fully realized. Only when state and local regulators, who currently do not have clear way forward to address this issue, are able to assure the safety of wild mushrooms in food establishments will the work of the committee be complete.

Recommended Solution: The Conference recommends...:
re-creating the Wild Harvested Mushroom Committee for the next biennium with the following charges:

1. develop guidelines to help regulators address the issue of wild mushrooms in food establishments.
2. report back its findings and recommendations to the 2014 CFP Biennial Meeting.

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Conference for Food Protection
2012 Issue Form

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Issue: 2012 I-013

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
HACCP-based Guidance for Meat and Poultry Processing at Retail

Issue you would like the Conference to consider:
The Food Safety and Inspection Service (FSIS), in collaboration with the Association of Food and Drug Officials (AFDO), is seeking input on comprehensive Hazard Analysis Critical Control Points (HACCP) guidance materials under development to assist in providing a uniform standard available for all regulatory jurisdictions to control meat and poultry processing activities at retail when a variance is required. This guidance is intended for developing or reviewing HACCP plans for multifaceted processing activities at retail (i.e., smoked, cured, fermented, jerky). Guidance materials previously developed by the Minnesota Department of Agriculture (DOA) are being further developed by FSIS and AFDO into comprehensive HACCP guidance materials to assist all regulatory jurisdictions in complying with FDA Food Code variance requirements.
[i] FSIS and AFDO jointly recommend that a Committee be formed so that input can be received from a wide variety of backgrounds on the guidance under development. By forming a Committee, this would ensure that this guidance provides acceptable, ready-to-use materials available to all regulatory jurisdictions to strengthen their control of meat and poultry processing at retail by utilizing HACCP-based guidance to meet variance requirements. Also, by forming a Committee, this will assure that input is received from a wide variety of backgrounds so that the guidance under development provides suitable guidance materials to control meat and poultry processing activities at retail when a variance is required.
[i] Minnesota Department of Agriculture. *Model HACCP Plans*, and *A Retail Food Establishment Guide for Developing a HACCP Plan*. Links are found at:
https://docs.google.com/open?id=0ByXV4y__bb1JMmQ3ZTFhODAtNzk0MC00MDExLTk5NTktYTgyMTA3NWUzNTk3
https://docs.google.com/open?id=0ByXV4y__bb1JNDM0NmQ4ZTEtNmYxNy00NzZhLTk1NTgtM2RjM2E3OTEzOTQ3

Public Health Significance:
Some retail processing activities under the Food Code (as per § 3-502.11 Variance Requirement), including much of the meat and poultry processing, would require a variance based on a HACCP plan. However, relatively few state and local jurisdictions have

procedures in place requiring that retailers have variances based on HACCP plans. FSIS believes that more guidance is needed on the preparation of HACCP Plans and HACCP-based variance requirements for multifaceted processing activities (i.e., smoked, cured, fermented, jerky), and currently available guidance is inadequate. In developing HACCP plans for meat and poultry processes, retail establishments must consider all possible hazards in accordance with Title 9 CFR 417.2 Hazard Analysis and Critical Control Point (HACCP) Systems.[i] Part 417.2 addresses pathogens of public health concern. Retail establishments are important settings for foodborne-disease outbreaks. If retail establishments do not address pathogen reduction in their HACCP plans, adulterated product may be released into commerce.

In accordance with the preface of the Food Code under "Advantages of Uniform Standards," a retail establishment may be granted a variance from their regulatory jurisdiction to use a specific federal food safety performance standard for a product or a process instead of compliance with applicable provisions in the Food Code. To show compliance with the federal performance standard, however, the retail establishment must demonstrate that processing controls are in place to ensure that the standard is being met similar to a federally inspected establishment. Therefore, a retail establishment's request for a variance based on a federal performance standard must be supported by a validated HACCP plan with record keeping and documented verification being made available to their regulatory jurisdiction.

All regulatory jurisdictions can strengthen their control of meat and poultry processing at retail by utilizing HACCP-based variance requirements if there were available ready-to-use guidance materials on how to accomplish this. While state and local jurisdictions would be the primary audience, such guidance can also be used by retailers to assist in developing their HACCP plans, as they would be able to learn what would be the expectations of their regulators. By forming a Committee, this will assure that input is received from a wide variety of backgrounds so that the guidance under development provides suitable guidance materials to control meat and poultry processing activities at retail when a variance is required.

[ii] Lynch, M., J. Painter, R. Woodruff, and C. Braden. 2006. Centers for Disease Control and Prevention. Surveillance for foodborne-disease outbreaks-United States, 1998-2002. MMWR Surveill. Summ. 55(SS10):1-42. Found at: http://www.cdc.gov/mmwr/preview/mmwrhtml/ss5510a1.htm

Recommended Solution: The Conference recommends...:

1. That a Committee be established to:

(a) provide input on comprehensive Hazard Analysis Critical Control Point (HACCP) guidance materials under development by the Food Safety and Inspection Service (FSIS), in collaboration with the Association of Food And Drug Officials (AFDO),

(b) to assist in providing a uniform standard available for all regulatory jurisdictions in the evaluation of variance requests involving the processing of meat and poultry at retail, and

(c) to better control meat and poultry processing activities at retail, utilizing the attached guidance materials that are being further developed by FSIS and AFDO, *Model HACCP Plans for Retail Processing*, and *A Retail Food Establishment Guide for Developing a HACCP Plan - Meeting the Requirements of the FDA Food Code Variance in the Relation to Specialized Meat and Poultry Processing Methods*),

(d) report back to the 2014 Biennial Meeting.

2. That the Conference send a letter to FDA asking that they consider if and how these guidance materials, once finalized, can best be incorporated into:
(a) FDA Food Code Annex 2 (References, Part 3 - Supportive Documents);
(b) FDA Food Code Annex 4 (Management of Food Practices - Achieving Active Managerial Control of Foodborne Illness Risk Factors), and
(c) FDA's two HACCP Manual "Managing Food Safety ; A Manual for the Voluntary Use of HACCP Principles for Operators of Food Service and Retail Establishments," and "Managing Food Safety: A Regulator's Manual for Applying HACCP Principles to Risk-Based Retail and Food Service Inspections and Evaluating Voluntary Food Safety Management Systems")

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Attachments:

- "HACCP Development for Retail Processing_1"
- "HACCP Development for Retail Processing_2"
- "HACCP Development for Retail Processing_3"
- "HACCP Development for Retail Processing_4"
- "HACCP Development for Retail Processing_5"

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Conference for Food Protection
2012 Issue Form

Internal Number: 119
Issue: 2012 I-014

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Beef Grinding Log Template for Retail Establishments

Issue you would like the Conference to consider:
The Food Safety and Inspection Service (FSIS) recommends that a CFP Committee be created to review the FSIS grinding log template and provide feedback to FSIS on its use at retail. The draft grinding log template will become the basis of the FSIS compliance guidelines that accompanies the planned proposed rule, "Records to be Kept by Official Establishments and Retail Stores That Grind or Chop Raw Beef Products". The FSIS proposed rule is expected to require establishments and retail stores to keep records that disclose the identity of the supplier of all source materials that they use in the preparation of raw ground or chopped product. FSIS is seeking feedback on the grinding log template and any additional comments on developing the log for use at retail.
In the interim, FSIS also recommends an update to the supporting documents for retail grinding logs in the Food Code Annex 2 (Page 305) so that retail establishments will have more detailed information on how to maintain grinding logs and understand its importance during recalls and outbreak investigations. Recently over the past few years, FSIS has been unable to determine the source suppliers of contaminated ground beef product because of inadequate retail grinding logs. FSIS developed and published a grinding log template and example on the FSIS website entitled "Sanitation Guidance for Beef Grinders" http://www.fsis.usda.gov/PDF/Sanitation_Guidance_Beef_Grinders.pdf. FSIS will consider the feedback from CFP for incorporation into a future FSIS compliance guideline that will accompany the FSIS rule.

Public Health Significance:
Ground beef contaminated with pathogens such as *Escherichia coli* O157:H7 or *Salmonella* is a known source of illness. During outbreak investigations, traceback of contaminated beef to the producing facility is often unsuccessful because of inadequate recordkeeping at retail establishments that grind beef products. FSIS enforcement strategy relies heavily on being able to identify the source material and the producing facility.
FSIS has reviewed foodborne investigations in which FSIS investigators found that retail facility grinding logs were a limiting factor for the Agency's ability to pursue public health investigations. FSIS conducted a retrospective review of 16 investigations (2006 through 2008) in which beef products were ground or reground at retail stores. In only 5 of 16 (30%)

of investigations, were records kept by the retail stores present and adequate to enable traceback to the official establishment supplying the beef. FSIS results are supported by Gould et al [Gould LH, Seys S, Everstine K, Norton D, Ripley D, Reimann D, et al. J Food Prot. 2011;74(6):1022-4] in a review of retail grinding records. Of 125 stores surveyed, 60(49%) kept grinding records. In those stores keeping grinding records, 22% of 176 records were judged complete (JFP 2011; 74:1022-1024). Schneider et al also reported a multistate outbreak with 42 illnesses. Investigators used shopper card information for 12 stores, but were unable to identify the identity of the source (JFP 2011, 74:1315-1319).
Additonal References:

- "Marler Clark calls on Hannaford to Release Meat Grinding Logs and Identify All Suppliers Linked to Salmonella Outbreak" 12/23/2011 - http://www.foodpoisonjournal.com/foodborne-illness-outbreaks/marler-clark-calls-on-hannaford-to-release-meat-grinding-logs-and-identify-all-suppliers-linked-to-s/
- Beef Grinding Logs Study: Restaurant Policies and Practices and Food Worker Practices/Behavior (CDC)http://www.cdc.gov/nceh/ehs/ehsnet/Restaurant_Policies_Practices.htm

Recommended Solution: The Conference recommends...:

1.) That a CFP Committee be created to:

a. review the FSIS grinding log template

b. Create a new committee to review the FSIS grinding log template and provide feedback to FSIS for consideration into the future FSIS compliance guide on retail grinding logs and on its use at retail

c. report back to the 2014 Biennial Meeting.

2.) That a letter be sent to the FDA to request amending the 2009 Food Code (as modified by the supplement issued in 2011) Annex 2 - Supporting Documents, References under Part 3, K Supplemental Documents (Page 305), using strike through to remove language and underline format to add language to read as follows:

K. Guidance for Retail Facilities Regarding Beef Grinding Logs Tracking Supplier Information

This document may be found at the web site for "Compliance Guidelines for Establishments on the FSIS Microbiological Testing Program and Other Verification Activities for *Escherichia coli* O157:H7" http://www.fsis.usda.gov/oppde/rdad/fsisdirectives/10010_1/ecolio157h7dirguid4-13-04.pdf On October 7, 2002, USDA/FSIS published a Federal Register Notice (67 FR 62332) entitled, *E. coli* O157:H7 Contamination of Beef Products, http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=02-25504-filed.pdf in which the Agency discussed its views on the application of the Hazard Analysis and Critical Control Point (HACCP) system regulations with respect to *Escherichia coli (E. coli)* O157:H7 contamination.

USDA/FSIS announced <u>in 2002 </u>that there is sufficient new scientific data on the increased prevalence of *E. coli* O157:H7 in live cattle coming to slaughter and on its impact on public health to require that all establishments producing raw beef products reassess their HACCP plans, in light of these data.

Of particular concern to the USDA/FSIS is its ability to quickly and adequately traceback ~~*E. coli* O157:H7~~ contaminated product that is in commerce to its source and to remove it from

commerce. In Spring ~~March~~ 2004, FSIS began conducting sampling and microbiological verification testing for *E. coli* O157:H7 in raw ground beef products at federally inspected establishments, retail facilities, as well as at import facilities. ~~the agency issued "FSIS Directive 10,010.1; revision 1, Microbiological Testing Program and Other Verification Activities for *Escherichia coli* O157:H7 in Raw Ground Beef Products and Raw Ground Beef Components and Beef Patty Components" available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=02-25504-filed.pdf. In this Directive, the Agency stated that, effective May 17, 2004, it would conduct sampling and microbiological verification testing for *E. coli* O157:H7 in raw ground beef products at federally inspected establishments, retail facilities, as well as at import facilities.~~ Some of the products most likely to be sampled and tested at retail facilities are:

- Ground beef products produced from retail steaks and roasts.
- Manufacturing trimmings derived at retail.
- Ground beef that is formulated at retail by co-mingling in-store trim and trim from federally inspected establishments.
- Irradiated ground beef co-mingled with non-irradiated meat or poultry.

Additionally, ground beef products have been implicated as a transmission vehicle in foodborne outbreaks of infection with pathogens such as *Escherichia coli* O157:H7 and Salmonella. To facilitate product traceback and to meet regulatory requirements, USDA/FSIS expects retail facilities as well as federally inspected establishments to maintain and provide FSIS with access to all applicable records associated with the source material used for ground beef products. In cases where USDA/FSIS identifies adulterated ground beef, ~~*E. coli* O157:H7 ground beef in a product,~~ and a product recall is necessary, grinding logs will facilitate identifying the source of the product and narrowing the scope of the recall.

FSIS recently published "Sanitation Guidance for Beef Grinders" which contains an example of a fresh ground beef production log. The guidance is located at the following website: http://www.fsis.usda.gov/PDF/Sanitation_Guidance_Beef_Grinders.pdf

The following information would be used to facilitate traceback of contaminated ground beef products:

- *The manufacturer name of source material used for product produced*
- *The type of product or description of the purchased or received article(s).*
- *The establishment information from the label of source product used such as the name, address, and establishment number.*
- *The supplier lot numbers, product code or production or pack date of source materials used.*
- *Any other information that would be useful in the quick removal of adulterated product from the market or commerce such as time of grind, grinder sanitation records, and amount (in pounds) and lot/batch numbers, production codes, name and package size of products produced.*

In addition to the references cited above, the following references also provide information:

1. Federal Meat Inspection Act (21 USC Sec. 642).
2. Title 9 of the Code of Federal Regulations, section 320.1 Records required to be kept.
3. Guidance for Beef Grinders and Suppliers of Boneless Beef and Trim Products
4. Best Practices for Raw Ground Products

5. FSIS Sanitation Performance Standards Compliance Guide:
6. U.S. Department of Agriculture, Food Safety and Inspection Service, April 13, 2004, Compliance Guidelines For Establishments On The FSIS Microbiological Testing Program and Other Verification Activities For *Escherichia coli* O157:H7 http://www.fsis.usda.gov/oppde/rdad/fsisdirectives/10010_1/ecolio157h7dirguid4-13-04.pdf

~~The following information would be adequate for meeting federal transaction requirements:~~

- ~~The name or description of the purchased or received article(s).~~
- ~~The name, address, and establishment number of the seller of the articles purchased or received.~~
- ~~The supplier lot numbers and production dates of the articles purchased or received.~~
- ~~Any other information that would be useful in the quick removal of adulterated product from the market or commerce.~~

~~In addition to the references cited above, the following references also provide information:~~

~~1. Federal Meat Inspection Act (21 USC Sec. 642).~~

~~2. Title 9 of the Code of Federal Regulations, section 320.1 Records required to be kept.~~

~~1. U.S. Department of Agriculture, Food Safety and Inspection Service, April 13, 2004, Compliance Guidelines For Establishments On The FSIS Microbiological Testing Program and Other Verification Activities For *Escherchia coli* O157:H7 http://www.fsis.usda.gov/OPPDE/rdad/fsisdirectives/10010 1/ecolio157h7dirguid4-13-04.pdf~~.

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Attachments:

- "FSIS Sanitation Guidance for Beef Grinders"
- "Canadian Beef Good Retail Practices Ground Meat Management (Example Log)"
- "Multistate Outbreak of Multidrug-Resistant Salmonella Newport"
- "Recordkeeping Practices of Beef Grinding Activities Retail Establishments"
- "BIFSCO Best Practices For Retailer Operations Producing Raw Ground Beef"

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Conference for Food Protection
2012 Issue Form

Internal Number: 069
Issue: 2012 I-015

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Addition to Original Containers and Records Section in the FDA Food Code,

Issue you would like the Conference to consider:
The 2009 FDA Food Code recognizes that consumers are at risk of foodborne illness from undercooked or improperly cooked meat items, particularly ground beef. Some retailers may grind intact beef or beef trim to produce ground beef "in house". While this practice is lawful, it may present an increased risk of foodborne illness to consumers, because intact beef may not be subject to the same rigorous pathogen control as ground beef. In addition, mixing of product from various suppliers and lots can spread contamination among the resulting ground product. Failure to adequately separate lots, clean and sterilize grinding equipment can contribute to the risk.

Public Health Significance:
Grinding intact beef "in house" may spread pathogenic contamination from the exterior of an intact product throughout the resulting ground beef, or, may serve as a source of cross-contamination of grinding equipment. Mixing of lots from the same or varied suppliers can spread contamination among resulting product. Outbreaks resulting from these products may be more difficult to trace as a result of the mixed nature of the product. Adequate recordkeeping is thus essential to provide traceback data for public health officials investigating an outbreak.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (new language shown with underline):
3-203.13 Recordkeeping, Ground Product.
(A) Every FOOD ESTABLISHMENT that performs grinding or packaging of MEAT on PREMISES shall maintain adequate records sufficient to assist public health officials with traceback or other relevant investigation.
(1) Adequate records shall include:
(a) Producing store name, address, city/state/zip
(b) Date of each lot of store ground product produced, where a lot is defined as all identically labeled product produced from full equipment clean-up to clean-up
(c) Exact name/type of store ground product

(d) Amount of each lot of store ground product
(e) Sell by/use by date and/or production code of each lot of store ground product
(f) Other information used to identify store ground product
(g) Full name(s) and product code(s) of all source products used to formulate each lot of store ground product
(h) All Federal or State Establishment numbers of each source product contained in each lot of store ground product
(i) Each source product sell by, use by, or production date/code
(j) The source firm name, establishment number and use by/sell by/production date/code for all Shop trim/rework used in each lot of store ground product
(k) Bills of Sale (e.g. sales receipts) reflecting Item numbers for each ground beef product sold to consumers
(l) Invoice(s) and Bill(s) of lading for source product(s)

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Conference for Food Protection
2012 Issue Form

Internal Number: 067
Issue: 2012 I-016

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Addition to Duties: Person in Charge Section 2-103.11 of FDA Food Code

Issue you would like the Conference to consider:
The FDA Food Code recognizes that consumers are at risk of foodborne illness from undercooked or improperly cooked meat items, particularly ground beef. Some food establishments-retailers as well as restaurants-may grind intact beef to produce ground beef "in house". While this practice is lawful, it may present an increased risk of foodborne illness to consumers, because intact beef may not be subject to the same rigorous pathogen control as ground beef.

Public Health Significance:
Grinding intact beef "in house" may spread pathogenic contamination from the exterior of an intact product throughout the resulting ground beef, or, may serve as a source of cross-contamination of grinding equipment. Further, consumers may mistakenly believe that ground beef produced "in house" in this way is fresher or safer, and thus may order such products undercooked (i.e., rare or medium rare), which is insufficient to kill pathogens.
It is thus imperative that those employees tasked with handling and grinding such meats (and those employees responsible for cleaning the grinding equipment, if different) are specially trained about the importance of rigorous cleaning for the prevention of foodborne illness, the logistics of cleaning, and the maintenance of appropriate records to assist in an outbreak investigation resulting from in house ground products.

Recommended Solution: The Conference recommends...:
that a letter be sent to FDA requesting the addition of the underlined language to Section 2-103.11 of the FDA Food Code, *Duties: Person in Charge*:
2-103.11 Person in Charge.
(L) EMPLOYEES are properly trained in FOOD safety as it relates to their assigned duties; <u>with enhanced training for those employees who may be responsible for production and handling of "in house" ground beef, such as the grinding of MEAT, PRIMAL CUTS and WHOLE MUSCLE, INTACT BEEF;</u> and

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Conference for Food Protection
2012 Issue Form

Internal Number: 009
Issue: 2012 I-017

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Use of Consumer Advisory for Non-Continuous Cooking

Issue you would like the Conference to consider:
Add a new section to Section 3-401.14 of the FDA Food Code to allow for the service of raw intact whole muscle beef cooked using a non-continuous cooking process, to be served undercooked with an adequate consumer advisory as described in 3-401.11 (D).

Public Health Significance:
Section 3-401.11 (D) allows for the service of raw or undercooked animal products with the use of an adequate consumer advisory. This important and balanced public health approach, currently not allowed under Section 3-401.14, provides the same level of protection and fair consumer choice for raw or undercooked, or non-continuous and undercooked animal products, such as when large catered events either cook to order or when they partially cook, cool and cook to order. As long as consumers are informed with an adequate consumer advisory as outlined in 3-603.11, the same level of public health protection is assured.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows:
Add new language to Section 3-401.14 indicated in underlined language below
3-401.14 Non-Continuous Cooking of Raw Animal Foods.
Raw animal FOODS that are cooked using a NON-CONTINUOUS COOKING process shall be:
(A) Subject to an initial heating process that is no longer than sixty minutes in duration; P
(B) Immediately after initial heating, cooled according to the time and temperature parameters specified for cooked POTENTIALLY HAZARDOUS FOOD (TIME /TEMPERATURE CONTROL FOR SAFETY FOOD) under ¶ 3-501.14(A); P
(C) After cooling, held frozen or cold, as specified for POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) under ¶ 3-501.16(A) (2); P
(D) Prior to sale or service, cooked using a process that heats all parts of the FOOD to a temperature of at least 74°C (165°F) for 15 seconds; P

(E) Cooled according to the time and temperature parameters specified for cooked POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) under ¶ 3-501.14(A) if not either hot held as specified under ¶3-501.16(A), served immediately, or held using time as a public health control as specified under §3-501.19 after complete cooking; P and

(F) Prepared and stored according to written procedures that:

(1) Have obtained prior APPROVAL from the REGULATORY AUTHORITY; Pf

(2) Are maintained in the FOOD ESTABLISHMENT and are available to the REGULATORY AUTHORITY upon request; Pf

(3) Describe how the requirements specified under ¶ (A)-(E) of this Section are to be monitored and documented by the PERMIT HOLDER and the corrective actions to be taken if the requirements are not met; Pf

(4) Describe how the FOODS, after initial heating, but prior to complete cooking, are to be marked or otherwise identified as FOODS that must be cooked as specified under ¶ (D) of this section prior to being offered for sale or service; Pf and

(5) Describe how the FOODS, after initial heating but prior to cooking as specified under ¶ (D) of this section, are to be separated from READY-TO-EAT FOODS as specified under ¶ 3-302.11 (D).

(G) Allow for the service of raw intact whole-muscle beef cooked using a non-continuous cooking process to be served undercooked with an adequate consumer advisory.

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Conference for Food Protection
2012 Issue Form

Internal Number: 090
Issue: 2012 I-018

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Report - Recall Evaluation Committee

Issue you would like the Conference to consider:
The Food Recall Evaluation Committee (REC) was tasked with the evaluation of current policy and practice of food recalls of the U.S. Food and Drug Administration and the U.S. Department of Agriculture, with the goal of providing feedback and recommendations that these agencies could consider in improving food recalls and recoveries.
The committee met via a series of webinars for the past 18 months. Membership included a diverse cross-structure of industry and regulators as well as academia and public interest representatives.
The committee believes we have reached consensus on the items included herein and detailed in the attached reports.

Public Health Significance:
Beyond question, the current system of recalling food products in the United States in case of real or purported health or quality issues is flawed. While part of the problem resides in the sheer complexity of the global food production and distribution system, the process of recalling a product is difficult for industry and incomprehensible to the general public. While new (pending) food safety legislation will address a few of the problems, there remains the need to overhaul and clarify the current recall classification and notification process.
Consider:

- FDA is guided by Ch. 7 of their 2009 Regulatory Procedures Manual/ 21CFR
- Recalling Firm is guided by "GUIDANCE FOR INDUSTRY" document by FDA
- Firms affected by the recall throughout the complex food system (distributers, sub-producers, brokers) have no official FDA guidance
- There is no time limit for executing a Class I Recall, or any other Class
- There are no minimum requirements for the information required in a recall notice
- There is no consideration of cost to benefit
- Current Classification system is ambiguous and confusing

Recommended Solution: The Conference recommends...:

- acknowledgement of the Food Recall Evaluation Committee (REC) report and attachments,
- thanking the Committee members for their efforts, and
- disbanding the Committee as the charges are completed.

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Attachments:

- "Final Roster 1_6_12"
- "Recall Evaluation Committee Final Report"

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Conference for Food Protection
2012 Issue Form

Internal Number: 092
Issue: 2012 I-019

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Uniform Food Recall System

Issue you would like the Conference to consider:
The Recall Evaluation Committee requests that a letter be sent to the FDA and USDA requesting they work together in collaboration with stakeholders on developing a uniform food recall system that is easier to understand and contains guidelines and best practices that will make the process faster and more efficient.

Public Health Significance:
Beyond question, the current system of recalling food products in the United States in case of real or purported health or quality issues is flawed. While part of the problem resides in the sheer complexity of the global food production and distribution system, the process of recalling a product is difficult for industry and incomprehensible to the general public. While new (pending) food safety legislation will address a few of the problems, there remains the need to overhaul and clarify the current recall classification and notification process.
Consider:

- FDA is guided by Ch. 7 of their 2009 Regulatory Procedures Manual/ 21CFR
- Recalling Firm is guided by "GUIDANCE FOR INDUSTRY" document by FDA
- Firms affected by the recall throughout the complex food system (distributers, sub-producers, brokers) have no official FDA guidance
- There is no time limit for executing a Class I Recall, or any other Class
- There are no minimum requirements for the information required in a recall notice
- There is no consideration of cost to benefit
- Current Classification system is ambiguous and confusing

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA and the USDA requesting that they work together in collaboration with industry stakeholders on developing a uniform food recall system.
Examples of what should be considered in this initiative are:

- A mechanism for working with industry and other stakeholders to further identify the specific changes needed to enhance the current recall system
- A uniform recall process be used by all federal food regulatory agencies

- A revised classification system that is prompt, transparent and meaningful to industry, regulatory, and the general public using consistent definitions for recall classifications
- Consistent information provided with every recall, especially a decision on the classification
- Clarifying instructions and procedures for industry and the public
- A mechanism for engaging relevant private-sector expertise in recall investigations and recall decisions
- Reasonable "best practice" time frames for execution of recall communications and actions including verification of notification
- Clear and consistent information in recall notifications to each segment of the supply chain including information that clearly identifies the product being recalled in sufficient detail
- Consistent protocol for audits and/or effectiveness checks
- Consistent and more specific consumer messages (for example, explaining the difference between recalls for pathogens that present a risk to the general public versus a recall for an allergen that impacts a select portion of the population)
- A single website and database for all food recalls with a consumer- friendly format

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Conference for Food Protection
2012 Issue Form

Internal Number: 018
Issue: 2012 I-020

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Recall Definitions and Decision Tree

Issue you would like the Conference to consider:
The Recall Evaluation Committee requests that a letter be sent to the FDA and USDA requesting they work together in collaboration with stakeholders on developing new terminology for Class I, II, and III recalls that is easier for industry, regulators, and the public to understand. Additionally, that a decision tree be developed that creates more transparency into how a recall should be classified.

Public Health Significance:
Food recalls are the last line of defense when a dangerous or violative food product has entered the marketplace. When a firm is unable to determine proper classification, the process slows down, causing potentially dangerous delays in public notification and distribution chain removal of the product from the marketplace.

Additionally, many suppliers and the general public do not understand the difference in the significance and danger associated with the various classes of recalls. The result is either apathy, where the public pays little attention because of the sheer volume of "noise", or they over-react and needlessly throw out and stop buying perfectly good products. The net result is an unnecessary loss of public confidence in our food supply, as well as a tremendous waste of food.

A great deal of discussion within the Committee centered on the difficulty on the part of industry and the public in distinguishing the differences between a Class I, II, and III Recall. For example, what is the difference between a "reasonable probability" (Class I) and a "remote probability" (Class II)? Many industry members believe the public does not distinguish between them; therefore, to the public, all recalls are "bad."

To address this issue, the Committee felt that different terminology may be helpful. One set of terms under discussion was to use the word "recall" only for what is currently a Class I situation. Thus we defined "Food Recall" as *a health risk to the general public*, and generally agreed that a "food recall" should coincide with what the FDA generally defines as a "reportable food" or the USDA equivalent thereof.

The equivalent of what is currently a Class II recall was a bit more problematic - many Committee members noted that historically, Class II's have been situations where a major allergen was not listed on the product label, and thought the term "Allergen Alert" would be

appropriate. Other committee members felt the term was too narrow as not all Class II equivalents are caused by one of the big eight allergens. Their term of choice is "Food Alert". Either of these is defined as *a health risk to allergic, selected, sensitive populations*. Finally, the term agreed upon for the equivalent of a Class III is "Food Notification", defined as *little or no health risk*.

Regardless of the terminology used, the Committee overwhelmingly agrees that recalls must be classified upon release. To better accomplish this goal, the committee recommends creation of a decision tree for classification of recalls, with the following stipulations:

• Decision tree should be transparent and readily available as a tool to industry and regulators.

• Decision tree should be developed jointly with industry, regulators, and consumer representatives.

• Decision tree is a guideline, not an absolute rule - regulators maintain final classification decision.

• The same/ similar tree/ system should be followed by both FDA and USDA.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA and USDA recommending the following:

a. Change in definitions:

- Replace Class I Recall with "Food Recall" defined as *a health* ***risk to the general public***, and should coincide with what the FDA generally defines as a "reportable food" or the USDA equivalent thereof
- Replace Class II Recall with "Allergen Alert" or "Food Alert" defined as *a health risk to* ***allergic/selected/sensitive populations***.
- Replace Class III Recall with "Food Notification" defined as *little or no health risk.*

b. Creation of a decision tree for classification of recalls, with the following stipulations:

- Decision tree should be transparent and readily available as a tool to industry and regulators.
- Decision tree should be developed jointly with industry, regulators, and consumer representatives.
- Decision tree is a guideline, not an absolute rule - regulators maintain final classification decision.
- The same/ similar decision tree/ system should be followed by both FDA and USDA.

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Conference for Food Protection
2012 Issue Form

Internal Number: 065
Issue: 2012 I-021

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
New Recall Notification Section of the FDA Food Code (Section 3-603.12)

Issue you would like the Conference to consider:
The 2009 FDA Food Code recognizes that consumers may not receive adequate, timely information in the event of a food safety recall, and that retailers play an important role in disseminating critical public health information. Records kept by retailers in the ordinary course of business for marketing or promotional purposes can be extremely useful for notifying consumers and curtailing the spread of an outbreak. Grocery stores and vendors should, when otherwise maintaining customer purchasing data, make every reasonable effort to notify consumers in the event of a Class I Recall.

Public Health Significance:
Removal of contaminated foods is vital to minimizing the adverse impact on consumers and public health, including reducing the size of associated foodborne illness outbreaks. While retailers' actions are essential for rapid removal of recalled foods from shelves, this does not address products that have already been sold. A proposed Food Code amendment offers a solution to better inform consumers about outbreak-associated and recalled products.
Where retailers routinely collect consumer purchasing data, that information can be useful in identifying consumers who may have recalled product still in their homes. Retailers should access purchasing data and the associated consumer contact information to alert consumers to their previous purchases of products that are later associated with a Class I Recall. Such personalized notice will help consumers identify recalled product at home, and will establish the retailer as a source of important public health information.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (new language shown with underline):
3-603.12 Recall Notification.
(A) Every FOOD ESTABLISHMENT that offers PACKAGED FOOD for purchase by consumers, and that collects data on the purchasing of that food (through customer loyalty cards or other data collection methods), shall, in the event of a Class I Recall of any FDA or USDA product sold by the FOOD ESTABLISHMENT, contact those consumers for which

data is available to indicate the purchase of a product, within the previous 60 days, that is now subject to a recall. Consumers may be contacted via email, text message, telephone, or regular mail, and contact must be initiated within a reasonable time from when the FOOD ESTABLISHMENT receives notice that the FOOD ESTABLISHMENT sold recalled product, not to exceed 2 days from that notice.

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Conference for Food Protection
2012 Issue Form

Internal Number: 066
Issue: 2012 I-022

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
New Recordkeeping Section of the FDA Food Code (Section 3-603.13)

Issue you would like the Conference to consider:
The 2009 FDA Food Code recognizes that records kept by retailers in the ordinary course of business for marketing or promotional purposes can be extremely useful for public health officials investigating a foodborne illness outbreak and attempting traceback and attribution. Retailers should make every reasonable effort to give public health officials timely access to such records to assist in an outbreak investigation or for other such lawful and reasonable public health purposes.

Public Health Significance:
Where retailers routinely collect consumer purchasing data, that information is critical to identifying consumers who may have purchased products that are later implicated in an outbreak. That data has also proven to be of great importance to public health officials in performing traceback investigations and food attribution during and after an outbreak. Rapid identification of at-risk consumers (those who have purchased recalled product) is essential to curtailing the size and impact of an ongoing outbreak from contaminated products. Retailers should provide public health officials with customer purchasing data that may be helpful in the course of an outbreak investigation, in an effort to assist with attribution and containment of foodborne illness.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (new language shown with underline):
3-603.13 Recordkeeping, Public Health Significance.
(A) Every FOOD ESTABLISHMENT that offers PACKAGED FOOD for purchase by consumers, and collects data on the purchasing of that food (through customer loyalty cards or other data collection methods), shall, provide public health officials upon request with timely access to customer purchasing data to assist in a public health investigation or for other such lawful purposes.

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Conference for Food Protection
2012 Issue Form

Internal Number: 095
Issue: 2012 I-023

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Shellstock Record Keeping

Issue you would like the Conference to consider:
Modification of the 2009 FDA Food Code to add language that addresses the use of shellstock being simultaneously used from different sources or growing areas. The facility's record-keeping system must be able to distinguish the shellstock that was served to each customer.

Public Health Significance:
The Interstate Shellfish Sanitation Conference (ISSC) continues to address illnesses associated with consumption of raw molluscan shellfish. Our primary focus is to improve our response time associated with illness outbreaks and to evaluate the effectiveness of control programs associated with pathogens which may result in illnesses.
These activities utilize illness investigation information from retail establishments. In recent years there has been improvement and the suggested change is intended to further improve the ability of illness investigators to accurately identify shellstock sources and growing areas. The ISSC and the Conference for Food Protection (CFP) have jointly worked to enhance record keeping at the retail level. In an effort to provide more accurate information which could be used for illness response and program evaluation, the need for this improvement was demonstrated in recent illness data reported by the Centers for Disease Control (CDC).

Recommended Solution: The Conference recommends...:
1. that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (new language underlined and deleted language shown with strikethrough):

Section 3-203.12, Shellstock, Maintaining Identification

(C) The identity of the source of shellstock that are sold or served shall be maintained by retaining shellstock tags or labels for 90 calendar days from the date that is recorded on the tag or label, as specified under ¶ B of this section, by: [Pf]

(1) Using an approved record keeping system that keeps the tags or labels in chronological order correlated to the date that is recorded on the tag or label, as specified under ¶ B of this section; [Pf] and

(2) If shellstock are being used from different sources or growing areas simultaneously that the system can distinguish the source and growing area of the shellstock that was served to each customer; [Pf] and

(~~2~~3) If shellstock are removed from its tagged or labeled container

and

2. that the Conference for Food Protection (CFP) *and* the Interstate Shellfish Sanitation Conference (ISSC) jointly write a letter to State retail food programs requesting that retailers be advised of shellstock identification record requirements for the purpose of improving compliance.

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Conference for Food Protection
2012 Issue Form

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Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Food Code Date Marking Provision(s) For Raw, Live In-shell SHELLSTOCK

Issue you would like the Conference to consider:
The 2009 FDA Food Code contains no clear guidance (or exception) regarding date marking of raw, live, in-shell MOLLUSCAN SHELLFISH (i.e., SHELLSTOCK) in a FOOD ESTABLISHMENT when the FOOD is served to the CONSUMER in a raw (i.e., not heated treated) form.
This issue submission seeks clarification from the Conference as to date marking of raw, live, in-shell SHELLSTOCK, received and cold held longer than 24 hours in a FOOD ESTABLISHMENT and served to the CONSUMER in a raw (non-heat treated) form.

Public Health Significance:
Per the 2009 FDA Food Code Section 1-201.10 Statement of Application and Listing of Terms, raw, live in-shell SHELLSTOCK served to the CONSUMER without cooking meets the definition of a commercially processed Ready-To-Eat (RTE) Potentially Hazardous [Time/Temperature Control for Safety Food] FOOD (PHF/TCS FOOD) which was previously harvested and subsequently PACKAGED by a FOOD PROCESSING PLANT before being received by a FOOD ESTABLISHMENT.
During the 2004 Conference for Food Protection (CFP) Biennial Meeting, the subject of Food Code date marking for RTE PHF/TCS FOOD was re-evaluated to focus the provision on "Very High" and "High Risk" foods while simultaneously exempting certain categories of FOOD from the date marking provision. The September 2003 document referenced by CFP, Quantitative Assessment of Relative Risk to Public Health from Foodborne *Listeria monocytogenes* Among Selected Categories of Ready-To-Eat Foods, concluded raw seafood to be categorized as "Risk Designation Low" along with other FOOD such as preserved fish products. This designation suggests date marking of raw seafood (including raw, live in-shell SHELLSTOCK) would not be necessary, however neither the 2005 nor the 2009 Food Codes specifically exempt raw, live in-shell SHELLSTOCK from date marking [Section 3-501.17(F)(1-7) Ready-to-Eat, Potentially Hazardous Food (Time/Temperature Control for Safety Food) Date Marking] and no elaborative explanation is offered in Annex 3, 3-501.17 (pages 414-419) regarding raw, live in-shell SHELLSTOCK.
The only guidance in the Food Code is located in Annex 3, 3-201.15 Molluscan Shellfish (pages 374-375) which specifically identifies *Listeria monocytogenes* (and others) as a

pathogen of concern at harvest, a position that is elaborated on in recently published research (Moustafa A. et. al *Listeria spp.* in the coastal environment of the Aqaba Gulf; Suez Gulf and the Red Sea. Epidemiol. Infect. 2006; 134; 752-757) (Colburn KG et. al. *Listeria monocytogenes* in California coast estuarine environment. Applied Environ Microbiol 1990; 56; 2007-2011).

Regarding FOOD excluded from date marking, the 2009 FDA Food Code currently lists only the following commercially produced RTE PHF/TCS FOOD categories: deli salads prepared and packaged in a FOOD PROCESSING PLANT; hard and semi-soft cheeses; cultured dairy products; preserved fish products (with exceptions); shelf stable dry fermented sausages not labeled "Keep Refrigerated"; and shelf stable salt-cured products not labeled "Keep Refrigerated".

Once received by a FOOD ESTABLISHMENT, raw live in-shell SHELLSTOCK are typically cold held longer than 24 hours due to the quantity received. And while the Food Code does not specify the number of days raw, live in-shell SHELLSTOCK can be cold held, Annex 3 estimates a shelf-life up to fourteen (14) days [Section 3-203.12 Shellstock, Maintaining Identification; page 382]. This presents a serious potential challenge to REGULATORY AUTHORITIES that adopt and enforce date marking as recommended in the Food Code since date marking for commercially processed RTE PHF/TCS FOOD limits shelf-life to seven (7) days [Section 3-501.17 Ready-to-Eat, Potentially Hazardous Food (Time/Temperature Control for Safety Food) Date Marking; and Section 3-501.18 Ready-to-Eat, Potentially Hazardous Food (Time/Temperature Control for Safety Food) Disposition].

SHELLSTOCK served in a raw, live in-shell form to the CONSUMER are currently subject to a CONSUMER ADVISORY [Section 3-603.11 Consumption of Animal Foods that are Raw, Undercooked or Not Otherwise processed to Eliminate Pathogens; pages 97-98] and have been identified by FDA as a potential source of pathogen contamination, including *Listeria monocytogenes* [Annex 3; Section 3.201.15 Molluscan Shellfish; page 375].

Further, raw, live in-shell SHELLSTOCK can be harvested, transported and delivered to the FOOD ESTABLISHMENT at temperatures above 41° F [Section 3-202.11 Temperature; page 54] which can encourage the growth of pathogens such as *Listeria monocytogenes*.

Further, SHELLSTOCK are PACKAGED and shipped in netted bags or other non-reusable shipping containers, none of which are air-tight. Some of the non-reusable containers are opened at receiving to allow the FOOD ESTABLISHMENT to verify the condition and temperature of the raw, live in-shell SHELLSTOCK and the porous nature of the shipped non-reusable bags/containers does not discourage or prevent possible further contamination of the SHELLSTOCK under refrigerated storage in the FOOD ESTABLISHMENT.

In the FOOD ESTABLISHMENT, raw, live in-shell SHELLSTOCK are frequently removed from their original shipping container(s) to be: (1) displayed on ice; or (2) held in refrigerated drawers, cold-rails, walk-in-coolers or reach-in-coolers. These refrigerated environments are subject to splash, dust, condensation drips and other filth that may be contaminated with pathogens, including *Listeria monocytogenes*. These refrigeration units can also simultaneously hold other raw animal FOODS and/or other RTE PHF/TCS FOODS. And these refrigeration units can be subject to temperature variation above 41° F as documented in FDA Report on the Occurrence of Foodborne Illness Risk Factors in Selected Institutional Foodservice, Restaurant and Retail Food Store Facility Types (2009) (see attached).

Recommended Solution: The Conference recommends...:

...the language of the 2009 FDA Food Code (as modified by the Supplement issued in 2011) be changed to clearly reflect that date marking provisions apply to raw, live in-shell SHELLSTOCK served to CONSUMERS upon request without cooking or other treatment. *(new language is in underline format; language to be deleted in strike-thru format)*

3-501.17(B) Ready-to-Eat, Potentially Hazardous Food (Time/Temperature Control for Safety Food), Date Marking.

(B) Except as specified in ¶¶ (D)-(F) of this section, refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) prepared and PACKAGED by a FOOD PROCESSING PLANT shall be clearly marked, at the time the original container is opened in a FOOD ESTABLISHMENT and if the FOOD is held for more than 24 hours, to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded, based on the temperature and time combinations specified in ¶ (A) of this section and:[PF]

(1) The day the original container is opened in the FOOD ESTABLISHMENT shall be counted as Day 1;[Pf] ~~and~~

(a) Except for containers of raw, live in-shell SHELLSTOCK, Day 1 shall be the date or day the SHELLSTOCK are receiving in the FOOD ESTABLISHMENT if the SHELLSTOCK will be served upon CONSUMER request in a raw, RTE PHF/TCS form; [Pf] and

(2) The day or date marking by the FOOD ESTABLISHMENT may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on FOOD safety.[Pf]

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Attachments:

- "Listeria monocytogenes Risk Assessment"
- "FDA Report on the Occurrence of Foodborne Illness Risk Factors"
- "Listeria spp. in the coastal environment of the Aqaba Gulf, Suez Gulf and.."
- "Listeria Species in a California Coast Estuarine Environment"

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Conference for Food Protection
2012 Issue Form

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Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Addition to Consumer Advisory, Section 3-603.11 of the Model Food Code

Issue you would like the Conference to consider:
The 2009 FDA Food Code recognizes that consumers should have notice regarding the risk of foodborne illness from raw or undercooked meats, poultry, seafood, shellfish, or eggs. However, the Consumer Advisory fails to provide adequate notice for persons to accurately assess the risk of severe illness and death from *Vibrio vulnificus* in raw oysters harvested from the Gulf of Mexico. An adequate advisory is modeled in title 17 of the California Code of Regulations § 13675 which provides a basis for the proposed addition to Section 3-603.11.
(http://www.cdph.ca.gov/pubsforms/Guidelines/Documents/fdb%20Raw%20Oyst%20Sale%20Retail.pdf)

Public Health Significance:
Vibrio vulnificus in raw oysters harvested from the Gulf of Mexico poses a well-defined risk of severe illness and death to consumers with compromised immune systems, liver damage, diabetes, the genetic disorder hemochromatosis, and certain gastric disorders. *Vibrio* is associated with mild gastroenteritis in persons with healthy immune systems, and life-threatening infections in persons with pre-existing medical conditions. Each year 30 or more people are diagnosed with *V. vulnificus*-induced septicemia from raw oysters sourced to Gulf Coast waters and approximately half die from the infection. Even with aggressive treatment the case fatality rate is 30 to 40 percent and mortality is 100 percent if a patient is not treated within 72 hours of symptom onset. Because *V. vulnificus* presents as primary septicemia, a common disease with many causes, misdiagnosis almost certainly results in underreporting of the disease. It is critical that persons have adequate notice of the risk so that they will seek early medical care and inform their doctor they have eaten raw oysters. While the strongest prevention is to require all Gulf oysters shipped interstate to be treated post-harvest to eliminate the pathogen, the industry has resisted such requirements. The proposed warning is, therefore, consistent with industry preferences for consumer education in lieu of other controls. It is a critical requirement because other than self-identification, food establishments have no way of recognizing at-risk patrons. To the extent that patrons have adequate information about their own health status, the warnings may reduce the number of illnesses and deaths (with the attendant bad publicity associated with

news reports and lawsuits). Additionally, since consumer perceptions can alter choices, thus reducing demand, industry interests and public health walk hand-in-hand with providing adequate notice that allows at-risk populations to understand and assess the danger of consuming raw oysters.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011), Section 3-603.11, be amended as follows (new language shown with underline):
3-603.11 Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens.*
(D) Every FOOD ESTABLISHMENT that offers raw oysters harvested from the Gulf of Mexico (any oyster harvested from the Gulf waters bordering the states of Alabama, Florida, Louisiana, Mississippi, or Texas) shall provide a written warning to any person who orders raw oysters, stating:
WARNING
THIS FACILITY OFFERS RAW OYSTERS FROM THE GULF OF MEXICO. EATING THESE OYSTERS MAY CAUSE SEVERE ILLNESS AND EVEN DEATH IN PERSONS WHO HAVE LIVER DISEASE, CANCER, DIABETES, OR OTHER CHRONIC ILLNESSES THAT WEAKEN THE IMMUNE SYSTEM. If you eat raw oysters and become ill, you should seek immediate medical attention. If you are unsure if you are at risk, you should consult your physician.
(E) Warnings under subsection (D) are not required whenever the FOOD ESTABLISHMENT has received a copy of a current verification letter from the dealer and tags or labels are as required by Section 3-202.18 of this Code demonstrating that the oysters have been subjected to an oyster treatment process sufficient to reduce *Vibrio vulnificus* to an undetectable level, as defined in the U.S. Food and Drug Administration Bacteriological Analytical Manual, 2004 Edition.

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Conference for Food Protection
2012 Issue Form

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Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Hand Antiseptics

Issue you would like the Conference to consider:
An update to the language in the 2009 FDA Food Code, Section 2-301.16 Hand Antiseptics is needed to account for the regulatory procedures that can also be used to make a hand sanitizer compliant with the Food Code. Due to the absence of any specific regulation in FDA's 21 Code of Federal Regulations (CFR) for hand antiseptics and indirect food contact, the Food Code serves as the sole guidance for the use of hand antiseptics in retail food facilities. These procedures are already referenced in Annex 3 of the Food Code (Chapter 2- 301.16 Hand Antiseptics) and therefore updating the language in Chapter 2 would help avoid any confusion and misunderstandings by Inspectors in the field.

Public Health Significance:
Chemicals may be poisonous or toxic if not used properly and in accordance with FDA regulations. The lack of clear and explicit guidance surrounding the use of hand antiseptics in food facilities poses a risk and could contribute to the improper use of chemicals that may subsequently cause public health issues such as the adulteration of food, or potentially acute and chronic effects to both the consumer and the employee of the food facility.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (new language shown with underline and deleted language shown with strike-through):

2-301.16 Hand Antiseptics.

(A) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:

(1) Comply with one of the following:

(a) Be an approved drug that is listed in the FDA publication Approved Drug Products with Therapeutic Equivalence Evaluations as an approved drug based on safety and effectiveness; [Pf] or

(b) Have active antimicrobial ingredients that are listed in the FDA monograph for OTC Health-Care Antiseptic Drug Products as an antiseptic handwash, [Pf] and

(2) Comply with one of the following:
(a) Have components that are exempted from the requirement of being listed in federal food additive regulations as specified in 21 CFR 170.39 - Threshold of regulation for substances used in food-contact articles;[Pf] or
(b) ~~Comply with and b~~Be listed in the following sections and used up to the maximum allowable concentration permitted by that regulation:
(i) 21 CFR 178 - Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers ~~as regulated for use as a food additive with conditions of safe use,~~ [Pf] or,
(ii) 21 CFR 182 - Substances Generally Recognized as Safe, 21 CFR 184 - Direct Food Substances Affirmed as Generally Recognized as Safe, or 21 CFR 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe for use in contact with food, [Pf] ~~and~~ or
(c) Have components that have been appropriately cleared for use as hand sanitizers with incidental food contact through GRAS notifications/ affirmations or a Food Contact Notification (FCN) with FDA, and,
(3) Be applied only to hands that are cleaned as specified under § 2-301.12. [Pf]
(B) If a hand antiseptic ~~or a hand antiseptic solution used as a hand dip~~ does not meet the criteria specified under Subparagraph (A)(2) of this section, use shall be:

1. (1) Followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves; [Pf] or
2. (2) Limited to situations that involve no direct contact with food by the bare hands. [Pf]

(C) A hand antiseptic solution used as a hand dip shall be maintained clean and at a strength equivalent to at least 100 mg/L chlorine. [Pf]

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Conference for Food Protection
2012 Issue Form

Internal Number: 097
Issue: 2012 I-027

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Use of Galvanized Metal with Acidic Foods

Issue you would like the Conference to consider:
Restricting the use of galvanized metals from contact with food except by local variance for the specific process it is intended to be used for.
Per the 2009 FDA Food Code Public Health Reasons for 4-101.15, zinc may leach into acidic foods if they contact galvanized metal. However, the solubility of zinc is subject not only to pH but also temperature and the corrosive environment of inorganic salts. The inorganic salts can come into contact with the metal from the food or disinfectants used as part of the process.

Public Health Significance:
Setting this guideline would place the requirement of providing data to the regulatory authority in order to acquire a variance.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (new language shown with underline):
4-101.15 Galvanized Metal, Use Limitation.
Galvanized metal may not be used for UTENSILS or FOODCONTACT SURFACES of EQUIPMENT <u>unless, it is shown that zinc does not transfer to FOOD under its specified use.</u>[P]

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Conference for Food Protection
2012 Issue Form

Internal Number: 100
Issue: 2012 I-028

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Chemicals for Washing Fruits and Vegetables

Issue you would like the Conference to consider:
Clarify the language in 2009 FDA Food Code Section 3-302.15 Washing fruits and vegetables, to ensure chemicals used for washing fruits and vegetables follow manufacturer's directions or EPA registered label use instructions.

Public Health Significance:
Food Code Section 7-204.12 specifies that chemicals used to wash fruits and vegetables should meet the requirements specified in 21 CFR 173.315, Chemicals used in washing or to assist in the peeling of fruits and vegetables. In addition to identifying chemicals that may be used, 21 CFR 173.315 also states:
"(d) To assure safe use of the additive... The label or labeling of the additive container shall bear adequate use directions to assure use in compliance with all provisions of this section."
Adding language to the Food Code indicating that use directions should be followed would clarify requirements for safe use, and uphold the public health and consumer food standards set by the Code.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (new language shown with underline):
3-302.15 Washing Fruits and Vegetables
(B) *Fruits and vegetables may be washed by using chemicals as specified under 7-204.12 and shall be used in accordance with the manufacturer's directions or EPA registered label use instructions*.

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Conference for Food Protection
2012 Issue Form

Internal Number: 099
Issue: 2012 I-029

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Testing for Hot Water Sanitizing

Issue you would like the Conference to consider:
The 2009 FDA Food Code addresses the failure of having test kits for chemical sanitizing (automatic dish machine) as a priority. However, nowhere in the food code does it require the same of hot water sanitization test kits. In fact the Code is silent on this issue (no specificity relating to hot water test kits). Unless a method of ascertaining the level of hot water sanitization occurring in the machine is identified (e.g., the surface of the utensil has met 160°F requirement), validating the machine's operational criteria cannot be objectively measured.

Validating whether the surface temperature has met the required 160°F requirement provides assurance that the utensil has been properly cleaned which includes sanitization. Failure to validate can have negative consequences as failure to validate a temperature of a potentially hazardous food item.

Public Health Significance:
Validation that efficacious sanitization is occurring is an important part of the overall cleaning procedure, whether through manual cleaning (3-compartment sink) or automatic (ware washing machines) cleaning. In automatic operations, heat treatment occurs when the final rinse spray is higher than the upper limit specified by the manufacturer's instructions.

It is commonly understood that if utensils are not cleaned properly, microorganisms are potentially transmitted via foods to other foods by utensils. Therefore, validating that cleaning and sanitization has occurred is an important component in the reduction of disease transmission via food.

Recommended Solution: The Conference recommends...:
that a letter be sent to FDA requesting that the 2009 Food Code (as modified by the Supplement issued in 2011), Section 4-703.11(B), be amended as follows (new language shown with underline and deleted language shown with strike-through):

Hot water mechanical operations by being cycled through EQUIPMENT that is set up as specified under §§ 4-501.15, 4-501.112, and 4-501.113 and achieving a UTENSIL surface

temperature of 71°C (160°F) ~~as measured by an irreversible registering temperature indicator; P or~~ ***shall be validated by the use of a test kit or similar equipment***; or

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Conference for Food Protection
2012 Issue Form

Internal Number: 035
Issue: 2012 I-030

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Food Equipment Certification

Issue you would like the Conference to consider:
The 2009 FDA Food Code contains language in Chapter 4 - *Equipment, Utensils, and Linens* recognizing a single organization for the accreditation of certification programs for food service equipment. Specifically, Section 4-205.10 of the Food Code limits the acceptability of food equipment certification programs to those accredited by the American National Standards Institute (ANSI). ANSI, a private, non-governmental organization, is one of three nationally recognized, U.S. based accreditation bodies that are qualified to accredit product certification programs. The identification of ANSI as the sole (proprietary) source for qualified accreditation providers is unnecessarily restrictive.

Public Health Significance:
The reliance on properly accredited third- party certification programs to evaluate food service equipment to nationally recognized standards that address sanitation and safety is a reliable mechanism to establish compliance with Sections 4-1 and 4-2 of the Food Code. The establishment of clear requirements for determining the acceptability of accreditation bodies is consistent with current practice while supporting an open marketplace based on demonstrated compliance.

Both t*he American National Standards Institute (ANSI)* and the *International Accreditation Service (IAS)* are U.S. domiciled accreditation bodies that are signatory members of the *International Accreditation Forum (IAF),* meaning both organizations are recognized nationally and internationally as having equivalent levels of confidence for providing accreditation services. Accreditation is increasingly being used by regulators and the market as an impartial, independent and transparent means of assessing the competence of conformity assessment bodies.

Regulators in the United States increasingly rely on an integrated system of accreditation and certification to demonstrate that products and services comply with regulatory requirements. In the United States, examples of the reliance on systems of accreditation and certification include programs administered by the Environmental Protection Agency (EPA), the Department of Energy (DOE) and the Nuclear Regulatory Commission (NRC). The EPA Water Sense® and Energy Star® programs require that manufacturers submit products to an accredited certification agency for testing and evaluation in order to

establish compliance with established standards and criteria. Both programs establish qualification criteria for recognition of accreditation bodies based on a framework for accreditation developed by IAF. IAF provides the technical basis for the recognition of the competence of accreditation bodies. IAF conducts an initial onsite evaluation, routine surveillance and periodic re-evaluations of accreditation bodies to determine compliance with the International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) Standard 17011 *Conformity assessment-General requirements for accreditation bodies accrediting conformity assessment bodies*. Accreditation bodies found to be operating accreditation programs that comply with these requirements become signatories to the IAF Multilateral Recognition Arrangement. The criteria for the accreditation of product certifying bodies is detailed in ISO/IEC Guide 65, *General requirements for bodies operating product certification systems* and the International Accreditation Forum (IAF) *Guidance on the Application of ISO/IEC Guide 65.*

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011), Section 4-205.1, be amended as shown below (new language shown with underline and deleted language shown with strike-through):

Acceptability

4-205.10 Food Equipment, Certification and Classification.

Food equipment that is certified or classified for sanitation by ~~an American National Standards Institute (ANSI) accredited~~ a certification program accredited by a U.S. domiciled accreditation body that is a signatory to the International Accreditation Forum (IAF) Multilateral Recognition Arrangement (MLA) is deemed to comply with Parts 4-1 and 4-2 of this chapter.

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Attachments:

- "Food Equip Cert Issue Supporting Attachments"

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Conference for Food Protection
2012 Issue Form

Internal Number: 008
Issue: 2012 I-031

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Modify FDA Food Code §3-304.11 to include linens and napkins

Issue you would like the Conference to consider:
The current wording of FDA Food Code §3-304.11 states that "food shall only contact surfaces of: (A) equipment and utensils that are cleaned as specified under Part 4-6 of this Code and sanitized as specified under Part 4-7 of this Code; or (B) single-service and single-use articles." By limiting the surfaces that food may contact to only equipment, utensils, single-service and single-use articles, this section negates the allowance for linens and napkins where they are approved for use. Linens and napkins are not included in the definitions of equipment, utensils, and single-service or single-use articles in the Food Code. However Food Code §3-304.13 allows for their use when they are lining containers for the service of food provided they're replaced each time the container is refilled for a new customer.

Public Health Significance:
By emphasizing what is permissible for food contact and what is not, the Food Code can avoid providing conflicting guidance to stakeholders. By including linens and napkins in §3-304.11, the Food Code will clearly identify that linens and napkins can be used for food contact, as specified in §3-304.13, without confusion.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (new language shown with underline and deleted language shown with strike-through):

3-304.11 Food Contact with Equipment and Utensils

FOOD shall only contact surfaces of:

(A) EQUIPMENT and UTENSILS that are cleaned as specified under Part 4-6 of this Code and SANITIZED as specified under Part 4-7 of this Code;[P] or

(B) SINGLE-SERVICE and SINGLE-USE ARTICLES;[P]or

(C) Linens and napkins as specified in §3-304.13.

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Conference for Food Protection
2012 Issue Form

Internal Number: 056
Issue: 2012 I-032

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Allowance for a Direct Drain Connection in Warewashing Equipment

Issue you would like the Conference to consider:
Deleting the prohibition of a direct drain connection for warewashing sinks or warewashing machines from Section 5-402.11 of the 2009 FDA Food Code (as modified by the Supplement issued in 2011). This prohibition is in direct conflict with the major model plumbing codes such as the Universal Plumbing Code and the International Plumbing Code. Many localities adopt these codes, and this creates a tiered system whereby food establishments in localities without a plumbing code must submit to a requirement that establishments in areas with plumbing codes are often required not to comply with. In warewashing, the final step in the process is a sanitizing step with a solution with residual sanitizer or high temperature water. This step acts as a "fail-safe" to overcome the risk of an unnoticed sewage backup in the sink.

Public Health Significance:
There is minimal risk to public health from allowing a direct drain connection in a warewashing sink.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting an amendment to Section 5-402.11 of the 2009 Food Code (as modified by the Supplement issued in 2011) as specified below (deleted language is in strikethru format).

5-402.11 Backflow Prevention.

(A) Except as specified in ¶¶ (B)~~,~~ and (C)~~, and (D)~~ of this section, a direct connection may not exist between the sewage system and a drain originating from equipment in which food~~, portable equipment, or utensils are~~ is placed. P

(B) *Paragraph (A) of this section does not apply to floor drains that originate in refrigerated spaces that are constructed as an integral part of the building*.

~~(C) *If allowed by law, a warewashing machine may have a direct connection between its waste outlet and a floor drain when the machine is located within 1.5 m (5 feet) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.*~~

(~~D~~C) *If allowed by law, a ~~warewashing or~~ culinary sink may have a direct connection*.

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Conference for Food Protection
2012 Issue Form

Internal Number: 006
Issue: 2012 I-033

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Temp Measuring Device for Warewashing Machines w/Hot Water SANITIZING rinse

Issue you would like the Conference to consider:
The next revision of the FDA Food Code should require the Person-in-Charge of a food establishment that has a warewashing machine using a hot water sanitizing final rinse to have a temperature measuring device that measures the utensil surface temperature.
The Food Code currently requires under 4-302.14 Sanitizing Solutions, Testing Devices that "A test kit or other device that accurately measures the concentration in MG/L of SANITIZING solutions shall be provided" and furthermore under 4-501.116 Warewashing Equipment, Determining Chemical Sanitizer Concentration that the "Concentration of the SANITIZING solution shall be accurately determined by using a test kit or other device."
As far as hot water mechanical operations, the Food Code currently requires, in part, under 4-703.11(B) that "...Hot water mechanical operations...and achieving a UTENSIL surface temperature of 71 degrees C (160 degrees F) as measured by an irreversible registering temperature indicator."
In the case of hot water mechanical operations, the Food Code does not explicitly require both the availability and the use of an irreversible registering temperature indicator or similar device.
It should also be noted that the January 2000 FDA Plan Review Guide, *Part 8 - Warewashing Facilities*, under mechanical warewashing utilizing hot water for sanitization on page 81, states: "An approved maximum registering thermometer or high temperature test papers shall be available and used."
Reliance on the machine's fixed TEMPERATURE MEASURING DEVICE to determine if SANITIZATION has been achieved can be problematic as these devices are not routinely calibrated and may be in disrepair even if the machine itself is working properly. The use of a field temperature indicator (or similar) in conjunction with the fixed pressure gauge and fixed TEMPERATURE MEASURING DEVICE is appropriate to determine if SANITIZATION has been achieved.

Public Health Significance:
Effective SANITIZATION destroys organisms of public health significance that may be present on food equipment and utensils after cleaning or which may have been introduced into the rinse solution.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011), Section 4-302.13, be amended as follows (new language shown with underline):
Temperature Measuring Devices, Manual and Mechanical Warewashing
(A) In manual warewashing operations, a temperature measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.
(B) In mechanical WAREWASHING operations, an approved irreversible registering indicator or waterproof maximum registering thermometer shall be provided and used regularly for measuring the final rinse temperature at the utensil surface.

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Conference for Food Protection
2012 Issue Form

Internal Number: 031
Issue: 2012 I-034

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
The 2009 FDA Food Code Introduced New Confusing Terms

Issue you would like the Conference to consider:
The new terms introduced into the 2009 FDA Food Code are not food safety-related terms that are relevant to educating the public, the regulated industry and regulatory officials. Removing the public health naming convention of identifying violations as risk factors, public health interventions, or good retail practices requires a re-education process that does not emphasize food safety or foodborne illness prevention. Significant progress has been made in linking the terms (risk factors, public health interventions, good retail practices) to a culture of food safety. We are concerned that use of the terms listed below will create confusion and set back progress in improving compliance in all facilities, particularly in "mom and pop" food service operations.

Core item

1. "Core item" means a provision in this Code that is not designated as a priority item or a priority foundation item.
2. "Core item" includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

Priority Item.

1. "Priority item" means a provision in this Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard.
2. "Priority item" includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, handwashing; and
3. "Priority item" is an item that is denoted in this Code with a superscript P? ^{P}.

Priority Foundation Item.

1. "Priority foundation item" means a provision in this Code whose application supports, facilitates or enables one or more priority items.
2. "Priority foundation item" includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel

training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling; and

3. "Priority foundation item" is an item that is denoted in this Code with a superscript Pf - ^{Pf}.

Public Health Significance:

The main purpose of the FDA Food Code is to assist regulators and the regulated industry in prioritizing actions that proactively improve food employee behaviors and food preparation practices mitigating and eliminating the risk of foodborne illness.

The new terms and levels of priority introduced in the 2009 FDA Food Code are difficult for regulators to articulate and difficult for regulated industry to understand. Without clear understanding there is a high probability of reducing the effectiveness of the Code itself. Time and effort spent re-educating regulators, operators and employees would be better spent on reinforcing the food safety-related and well-understood terms already in use.

Recommended Solution: The Conference recommends...:

the re-creation of the Critical Item Committee. The re-established Committee will be charged with:

1. Using the food safety terminology below in lieu of the terms listed above, or
2. Recommending easily understood (common usage) replacement terms that must be tested using surveys of both regulators and regulated industry,
3. Report back to the 2014 Biennial Meeting on Committee Activities and submit Issues that recommend revsion to the body of the code to align with the the revised language, and strike the existing terminology from the code (Core, Priority, etc.).

Submitter offers the Proposed Revised language for the Committee's Consideration:

Good Retail Practices

1. "Good Retail Practices" means a provision in this Code that is not designated as a Risk Factor or intervention ITEM.
2. "Good Retail Practices " includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

Risk Factors and Intervention Items

1. "Risk Factor Item" means a provision in this Code whose application supports, facilitates or enables one or more RISK FACTOR items.
2. "Intervention Item " includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling; and
3. "Risk Factor Item" is an item that is denoted in this Code with a superscript Rf - ^{Rf}.
4. "Intervention Item" is an item that is denoted in this Code with a superscript I - ^{I}.

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Conference for Food Protection
2012 Issue Form

Internal Number: 106
Issue: 2012 I-035

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Updating of the Food Establishment Inspection Report

Issue you would like the Conference to consider:
We are requesting that the Conference consider the following proposal:
The current Inspection Form 3-A in the 2009 Food Code Annex 7 and Instructions for Marking form 3-B are based on old section designations of critical and non-critical. When the 2009 code was modified to reflect the three tier designations of Priority (P), Priority Foundation (Pf) and Core (C) these forms were not updated.
We would like FDA to format the Inspection Form 3-A and the Instructions for Marking Form 3-B in Annex 7 to reflect the (P), (Pf), and (C) designations.
We have submitted a draft (attached) of an Inspection Form 3-A that has been divided and grouped according to the (P), (Pf) designated violations in the upper part of the form and the (C) designated violations in the lower part of the form. A draft Instructions for Marking document 3-B has been developed to show the (P), (Pf) and (C) designations to ensure that inspection observations are accurately recorded on the Food Establishment Inspection Report.
The documents attached are presented as drafts. The documents submitted were developed for the State of Oklahoma and would need to be made "generic" for use in future Code publications.

Public Health Significance:
The Food Establishment Inspection Report is the official regulatory document that measures compliance of the establishment with regulatory requirements. The goal of the report is to clearly, concisely, and fairly present the compliance status of the establishment and to convey this information to the permit holder or person in charge (PIC) at the conclusion of the inspection.
Reformatting the Food Establishment Inspection Report (3-A) and Guidance Marking Document (3-B) by providing a uniform and consistent inspection process will help bring uniformity and assist permit holders in understanding the three-tier designations in jurisdictions that have adopted the 2009 Food Code.
The formatting of the document to reflect the Priority, Priority foundation and Core designations will communicate to the operator the severity of the violations and will provide

appropriate timeframes for corrective action, thereby reducing foodborne illness risk to the public.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting that the 2013 Food Code contain updated versions of the Food Establishment Inspection Report 3-A and Instructions for Marking Form 3-B that are currently provided in Annex 7 of the 2009 Food Code in order to reflect the Priority, Priority Foundation and Core designations.

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Attachments:

- "DRAFT Food Establishment Inspection Report- Page 1"
- "DRAFT Food Establishment Inspection Report - Page 2"
- "DRAFT Instructions for Marking Guide"

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Conference for Food Protection
2012 Issue Form

Internal Number: 053
Issue: 2012 I-036

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Designation of Water Temperature at Handwashing Sinks as a Core Item

Issue you would like the Conference to consider:
To designate Section 5-202.12 (A) of the 2009 FDA Food Code as a Core Item, thereby changing the designation of delivery of water at a temperature of at least 38°C (100°F) through a mixing valve or combination faucet from a Priority Foundation to a Core Item.

Public Health Significance:
FDA Food Code Chapter 5 [Plumbing, Water and Waste] Section 5-202.12, Handwashing Sink, Installation, paragraph (A), recommends that, "A handwashing sink shall be equipped to provide water at a temperature of at least 38°C (100°F) through a mixing valve or combination faucet..." This provision is currently designated as a Priority Foundation Item even though the temperature is specific to plumbing equipment and is not included in the handwashing procedures in section 2-301.12.

Hand-washing is an important food safety practice and specific procedures for hand washing are included in the Food Code in Section 2-301.12. The mechanical action of washing one's hands, use of soap, length of time hands are washed, rinsing, hand drying and proper hand-wash training have all been noted as important factors in accomplishing proper hand washing. More specifically, paragraph 2-301.12 (B) recommends that "warm water" be used for hand washing and rinsing, without a specific water temperature. Therefore the water temperature alone will not contribute directly to the elimination, prevention or reduction to an acceptable level, hazard associated with foodborne illness as specified in priority item definition.

Sighting a specific threshold water temperature does not predicate successful hand-washing, which can be accomplished at various water temperatures. This is supported by the work of Michaels et al (2002, see attached) which concluded that there was no statistical difference in log reductions for both resident and transient bacteria during handwashing based on water temperature (see attachment). The results reported by Michaels confirm the observations made by Price (Price 1938) and Larson (Larson *et al*. 1980) indicating water temperature has little or no effect on the removal of bacteria from hands.

In summary, specific procedures such as handwashing frequency, length and technique have been shown to have a direct impact on the risk factors that contribute to foodborne illness, and therefore are aligned with the definition of a priority foundation item.
However, the temperature of water delivered at a handwashing sink does not directly contribute to the elimination, prevention or reduction (to acceptable levels) of the hazards associated with foodborne illness. The temperature of the water is more consistent with the definition of a Core Item, which relates to general sanitation, operational controls, sanitation standard operating procedures (SSOP), facilities or structures, equipment design, or general maintenance. The plumbing recommendations listed in section 5-202.12 are consistent with the definition of a core item.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (new language shown with underline and deleted language shown with strike-through):
Section 5-202.12 Handwashing Sink, Installation.
(A) A HANDWASHING SINK shall be equipped to provide water at a temperature of at least 38°C (100°F) through a mixing valve or combination faucet. ~~Pf~~ C

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Attachments:

- "Michaels, Barry, et al. (2002) "Water temperature as a factor in handwa"

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Conference for Food Protection
2012 Issue Form

Internal Number: 011
Issue: 2012 I-037

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Designation of Manual Warewashing Wash Solution Temperature as a Core Item

Issue you would like the Conference to consider:
To designate Section 4-501.19 of the 2009 FDA Food Code as a Core Item, thereby changing the designation for the provision that, "The temperature of the wash solution in manual warewashing equipment shall be maintained at not less than 43°C (110°F) or the temperature specified on the cleaning agent manufacturer's label instructions" from a Priority Foundation to a Core Item.

Public Health Significance:
Effective manual warewashing in retail food establishments is dependent on a number of variables including the cleaning agent used, the type of manual washing processes, the equipment used, the volume and type of wares being washed, as well as where they originate (i.e., hot or cold environments). The temperature of the water used for washing is also a variable and no specific temperature is required to assure an effective process.

The washing step is intended to ensure that the wares/equipment being cleaned are visually free of soil prior to sanitization. The washing step is not intended to be a sanitizing step and therefore is not the step that reduces risk or impacts public health. A Priority Foundation item is, by definition, "an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury."

In practice, maintaining a specific wash solution temperature for manual warewashing can be challenging under certain situations such as washing in refrigerated environments in meat markets. To overcome this challenge, food retailers have worked with their chemical suppliers to provide cleaning agents (detergents) that work effectively in a variety of different environments and in various water temperatures with consistent results. Other methods such as applying force to the surface of wares via brush and/or spray devices have proven very effective in removing soil that can easily be rinsed prior to being sanitized, regardless of the water temperature. Employees are more likely to wash wares effectively and for a longer time if doing so in water that is comfortable and which achieves the intended purpose.

A Core Item is defined as "an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures,

equipment design, or general maintenance." Other provisions in the Food Code that recommend water temperatures for washing are not designated as Priority Foundation and changing Section 4-501.19 to a Core Item would be more appropriate and consistent. Furthermore, the CFP Criticality Committee (CFP, Crit Item, recommendation for changing a Food Code Section, Chapter 2 (part) 3 and 4 and terminology, summary 8-16-07) overwhelmingly (>77%) recommended that Section 4-501.19 be classified as a Core item and not a Priority Foundation.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011), Section 4-501.19, be revised to reclassify the designation from a Priority Foundation (Pf) item to a Core (C) item as indicated below (new language shown with underline and deleted language shown with strike-through):

4-501.19 Manual Warewashing Equipment, Wash Solution Temperature.

The temperature of the wash solution in manual warewashing equipment shall be maintained at not less than 43°C (110°F) or the temperature specified on the cleaning agent manufacturer's label instructions. ~~Pf~~ C

Submitter Information:

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Conference for Food Protection
2012 Issue Form

Internal Number: 068
Issue: 2012 I-038

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Amendments to Public Information and Public Posting

Issue you would like the Conference to consider:
Rigorous health inspections are a critical component of an effective food safety system. The FDA Food Code recognizes that the results of restaurant inspections are public documents and should be available for public review. However, complex rules regarding public access create difficulty for consumers who wish to consider inspection results.

Public Health Significance:
Consumer access to the results of these inspections plays an important role in maintaining the efficacy and credibility of the inspection system, and allows consumers to consider critical food safety information when making restaurant choices. Recent data show that nearly half of all foodborne illnesses are contracted from food prepared outside the home, compared with only 20 percent linked to home-prepared food. Although food establishments should be routinely inspected, the results of those inspections are not readily available to consumers, who thus have no way of minimizing their risk by knowing how an establishment performed on its most recent food safety assessment.
In some jurisdictions, consumers must submit a formal Freedom of Information Act request to the regulatory authority to access an inspection report. The addition of the following language to the Model Food Code will ensure public access to inspection results at the food establishment, improving consumer access and decision-making, without placing any additional or undue burden on food establishments. For more information, see http://www.cspinet.org/dirtydining/index.html.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be modified by adding new language in underlined format to Part 8-4 Inspection and Correction of Violations as noted below:
8-403.50 Public Information.
Except as specified in § 8-202.10, the regulatory authority shall treat the inspection report as a public document and shall make it available for disclosure to a person who requests it at the FOOD ESTABLISHMENT and otherwise as provided in law.
8-403.51 Public Posting.

The REGULATORY AUTHORITY shall make available the results of the inspection report by requiring the timely posting of the most recent inspection results in a clear and legible form at the entrance, front window, or similarly prominent consumer-accessible area of the FOOD ESTABLISHMENT. Results may be posted in the form of a letter grade, numerical score, or other form as determined by the REGULATORY AUTHORITY.

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Conference for Food Protection
2012 Issue Form

Internal Number: 064
Issue: 2012 I-039

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Addition to Section 8-4 Inspection and Correction of Violations

Issue you would like the Conference to consider:
The FDA Food Code recognizes that the results of restaurant inspections are public documents and should be available for public review. However, complex rules regarding public access create difficulty for consumers who wish to consider inspection results.

Public Health Significance:
Consumer access to the results of these inspections plays an important role in maintaining the efficacy and credibility of the inspection system, and allows consumers to consider critical food safety information when making restaurant choices. Recent data show that nearly half of all foodborne illnesses are contracted from food prepared outside the home. Although food establishments are routinely inspected, the results of those inspections are not readily available to consumers-who thus have no way of minimizing their risk by knowing how an establishment performed on its most recent food safety assessment. In some jurisdictions, consumers must submit a formal Freedom of Information Act request to the regulatory authority to access an inspection report. The addition of the following language to the 2009 FDA Food Code will ensure public access to inspection results at the food establishment, improving consumer access and decision-making, without placing any additional or undue burden on food establishments. For more information, see http://www.cspinet.org/dirtydining/index.html.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended by adding language as follows:
8-403.50 Public Information.
Except as specified in § 8-202.10, the regulatory authority shall treat the inspection report as a public document and shall make it available for disclosure to a person who requests it at the FOOD ESTABLISHMENT and otherwise as provided in law.

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Conference for Food Protection
2012 Issue Form

Internal Number: 083
Issue: 2012 I-040

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Packaged Food Labeling Clarification

Issue you would like the Conference to consider:
Foods can be wrapped in non-durable containers for sale in food service establishments, including carry-out restaurants and delis. It is the interpretation of some regulatory authorities, that foods wrapped in non-durable packaging for self-service are required to be labeled per the current labeling law. There are violations that are currently being reported for this practice. Foods served in non-durable packaging in a food service establishment should not fall under the requirements of the labeling law which was meant for foods in durable packages from a food processing plant.

Public Health Significance:
It is important that all foods requiring labeling under the law are in fact labeled for the protection of the consuming public with special dietary or health needs. It is equally effective to have information available (foodservice employee, signage, written hard copy or online website) for foods in a foodservice environment that do not meet the "packaged" definition.
The 2009 Food Code defines "Packaged" as follows:
Packaged.
(1) "Packaged" means bottled, canned, cartoned, securely bagged, or securely wrapped, whether PACKAGED in a FOOD ESTABLISHMENT or a FOOD PROCESSING PLANT.
(2) ***"Packaged"*** *does not include a wrapper, carry-out box, or other nondurable container used to containerize FOOD with the purpose of facilitating FOOD protection during service and receipt of the FOOD by the CONSUMER.*

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows:
1) The FDA reinforces the legal definition of "packaged" in Section 1-201.10 (2), regarding the difference between durable and non-durable packaging.
2) The FDA adds language similar to the following to the next 2013 Food Code, Annex section 3 - Public Health Reasons/ Administrative Guidelines; Chapter 1 - Purpose and

Definitions, that describes the circumstances that labeling of foods in non-durable packaging is exempt:
a) Foods in non-durable packaging held in a cold display unit in the service line are available to the customer in a self-service format. Foodservice employees and/ or information are available to address ingredient questions.
b) "Grab-n-go" type items in kiosks in the front of a restaurant are available as a convenience to the customer in a self-service format. Foodservice employees and/ or information are available to address ingredient questions.

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Conference for Food Protection
2012 Issue Form

Internal Number: 091
Issue: 2012 I-041

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Reuse-Refill of Multi-use Tableware (To go containers)

Issue you would like the Conference to consider:
Amend 2009 FDA Food Code Sections 3-304.17 and 4-603.17 to allow for institutional type facilities (such as schools or assisted living communities) to provide reusable tableware/containers to consumers, who can then return the tableware for cleaning, sanitizing, and reuse by the food establishment. The consumer at the time of return, would receive cleaned and sanitized reusable tableware/containers that can be refilled with food.
Background:
Because of the trend toward recycling and attempting to limit the use of single service dishware in the waste stream, the PA Department of Agriculture has received several variance requests over the last few years to allow for colleges to use refillable containers that are provided to students by the food establishment. The variance requests have been reviewed and approved based on the limited scope of the consumers using the food establishment, as well as the following parameters:

- The reusable containers meet the criteria established in Chapter 4 for Equipment, Utensils and Linens, and are intended for multiple use.
- The facility establishes procedures for return of the containers that include, return area outside of any food preparation areas, inspection by a food establishment employee for general cleanliness and condition, and a direct pathway to the warewashing area which minimizes any potential cross contamination
- Food establishment accomplishes warewashing as required in the Food Code, and complies with storage and other handling requirements.
- A mechanism is in place to identify/verify the consumer population that is purchasing and returning reusable containers.

The trend toward recycling and environmental friendliness will continue - companies are manufacturing reusable containers and marketing them, especially in institutional settings, and more institutions will be looking at reducing waste and cutting costs. Since 2008, FDA has received several interpretation questions regarding re-use of to-go boxes and similar containers, and the Commonwealth of PA has received 2 requests to the Department of Agriculture, and at least one request through a County Health Department.
The 2009 Food Code prohibits a food establishment from refilling containers with PHF/TCS food in Section 3-304.17, and Section 4-603.17 prohibits cleaning and refilling containers,

other than beverages, unless by a food processing plant. Thus any jurisdiction that has facilities utilizing reusable food containers must make independent determinations through the variance process as to what is acceptable and required if approving the reuse or refilling of these multi-use food containers.

Public Health Significance:
Because of the trend toward recycling and attempting to limit the use of single service dishware in the waste stream, the Pennsylvania Department of Agriculture has received several variance requests over the last few years to allow for colleges to use refillable containers that are provided to students by the food establishment. The variance requests have been reviewed and approved based on the limited scope of the consumers using the food establishment, as well as the following parameters:

- The reusable containers meet the criteria established in FDA Food Code Chapter 4, Equipment, Utensils and Linens, and are intended for multiple use.
- The facility establishes procedures for return of the containers that include, return area outside of any food preparation areas, inspection by a food establishment employee for general cleanliness and condition, and a direct pathway to the warewashing area which minimizes any potential cross contamination
- Food establishment accomplishes warewashing as required in the Food Code, and complies with storage and other handling requirements.
- A mechanism is in place to identify/verify the consumer population that is purchasing and returning reusable containers.

The trend toward recycling and environmental friendliness will continue - companies are manufacturing reusable containers and marketing them, especially in institutional settings, and more institutions will be looking at reducing waste and cutting costs. Since 2008, FDA has received several interpretation questions regarding re-use of to-go boxes and similar containers, and the Commonwealth of Pennsylvania has received 2 requests to the Department of Agriculture, and at least one request through a County Health Department.
The current Food Code prohibits a food establishment from refilling containers with PHF/TCS food in Section 3-304.17, and Section 4-603.17 prohibits cleaning and refilling containers, other than beverages containers, unless performed by a food processing plant. Thus any jurisdiction that has facilities utilizing reusable food containers must make independent determinations through the variance process as to what is acceptable and required if approving the reuse or refilling of these multi-use food containers.
Non-uniformity in determining what criteria must be in place for approving variances related to reuse-refilling of these multi-use containers will result in jurisdictions establishing differing standards for the tableware/container, the types of food establishments that can use the reuseable tableware, the recordkeeping, and the food establishment handling, cleaning, and sanitizing, and storage of the reusable tableware.
Adding a standard set of provisions regarding when this practice is permitted will enhance uniformity among jurisdictions, provide a set of standards for industry to comply with, and protect the public.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting amendments to the 2009 Food Code (as modified by the Supplement issued in 2011), Sections 3-304.17 and 4-603.17 specifically,

and other affected Food Code sections FDA identifies, to allow food establishments operating in institutional type settings with known consumers to provide reusable tableware/containers which can be returned and reused/refilled by that food establishment. In amending those sections, language should:

1. identify specific criteria and procedures for food establishment approval of the process
2. verify the consumer population (eg, IDs, Swipe Cards)
3. confirm tableware/containers comply with 2009 Food Code Chapter 4 standards for Multi-use Equipment & Utensils
4. establish procedures for return/reuse of tableware/containers that include inspection by a food employee
5. establish procedures for limiting cross-contamination potential when tableware/containers are returned, inspected, cleaned and sanitized, and stored.

Submitter Information:

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Conference for Food Protection
2012 Issue Form

Internal Number: 114
Issue: 2012 I-042

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Creation of Distribution and Storage, Transportation and Delivery Committee

Issue you would like the Conference to consider:
Food Safety and the prevention of food borne illnesses requires product protection, temperature control and other control steps throughout the food chain (from farm to fork). The process of distribution of food, food packaging, and sanitation chemicals to retail is one area that has been identified by studies (Interstate Food Transportation Project by Michigan Department of Agriculture and others), in publications (see attachments: 1) Food Safety Magazine - Maintaining the Cold Chain. 2) Food Logistics - Cold Chain Champions), and by the media (ABC News and Indiana videos available upon request) as one with food safety risks and opportunities. While Regulations are expected to be forthcoming via the Food Safety Modernization Act (FSMA)/Safe Food Transportation Act (SFTA), there exists a need to define and promulgate best practices and guidance documents in areas like temperature control, allergens, product protection, and other areas.

Public Health Significance:
Products must be protected from contamination, temperature abuse, and microbial growth to prevent food borne illnesses. Industry, Regulatory, Academia, Consumer Organizations, and others collaborating together to identify best practices assure these protections will add additional levels of food safety and consumer protection to the food chain.

Recommended Solution: The Conference recommends...:
the creation of a Distribution and Storage, Transportation and Delivery Committee. The Committee will be composed of Conference members from all constituencies especially subject matter experts in distribution, logistics and transportation. The Committee will be charged with:
1) Defining the scope of the distribution industry that will be addressed by the Committee, and identifying risks and opportunities for the Conference,
2) Soliciting best practices and existing documents that relate to distribution and storage of foods including Global Food Safety Initiative (GFSI) and other Standards to recommend best practices to the Conference,
3) Engaging with Federal and State agencies, especially those involved in Food Safety Moderization Act (FSMA)/Safe Food Transportation Act (SFTA) or existing transportation

inspection programs, to align proposed committee recommendations with regulatory requirements as they may be promulgated,
4) Reporting back to the 2014 Biennial Meeting summarizing its activities and recommending best practices in the areas of distribution and storage, transportation and delivery, and
5) Submitting Issues to the 2014 Biennial Meeting to recommend new FDA Food Code language and/or identify new charges for the Committee, if any.

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Attachments:

- "Food SAfety Magazine - Maintaining the Cold Chain"
- "Food Logistics - Cold Chain Champions"

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Conference for Food Protection
2012 Issue Form

Internal Number: 102
Issue: 2012 I-043

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Cottage Industry/Direct Producer to Consumer Sales

Issue you would like the Conference to consider:
Many states are adopting exceptions and special rules for cottage industries and direct producer to consumer sales. These types of sales include both packaged and unpackaged non PHF/TCS foods processed in residences and sold from the residence over the internet, at roadside stands, and at Farmer's Markets. The inconsistencies and in sometimes complete exemption from regulatory oversight are concerning from a safety persepective. We respectfully request that the Conference for Food Protection establish a Cottage Industry Committee to develop a proposal for the 2014 Conference that more completely addresses cottage industries and direct producer to consumer sales.

Public Health Significance:
States and local jurisdictions have adopted a variety of exemptions and policies with relationship to cottage industry/direct to consumer sales. The most significant public health issue is that jurisdictions without scientific input have developed a variety of standards, exception, and exemptions. This creates a system where a cottage industry/direct to consumer sales may or may not be regulated and inspected. From a state perspective, we see surrounding states that have exempted places from regulation, but the individuals are seeking to come to events and make sales in our State. For example, acidified foods, cheeses, eggs, and other processed foods are subject in some jurisidictions to these exceptions and exemptions. Furthermore, complete and thorough labeling is a concern to individuals with allergies or sensitivities.

Recommended Solution: The Conference recommends...:
creating a Committee to develop a proposal for the 2014 Biennial Meeting that more completely addresses cottage industries and direct producer to consumer sales. We respectfully suggest the Committee undertake the following charges:

- define Cottage Industries and Direct Producer to Consumer Sales
- identify exemptions from the Food Code
- establish labeling requirements
- write advisory statements as appropriate
- recommend Cottage Industry registration requirements

- require the Committee to submit a report at the 2014 Biennial Meeting along with Issues they identify.

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Conference for Food Protection
2012 Issue Form

Internal Number: 109
Issue: 2012 II-001

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Report - Constitution and Bylaws/Procedures Committee

Issue you would like the Conference to consider:
The 2010 - 2012 Constitution and Bylaws/Procedures Committee has addressed recommendations from the 2010 Biennial Meeting and from the Executive Board and have prepared a report summarizing its work.

Public Health Significance:
The Constitution and Bylaws/Procedure Committee shall submit recommendations to improve the Conference administrative functions through proposals to amend the Constitution and Bylaws and Conference Procedures.

Recommended Solution: The Conference recommends...:
acknowledgement of the submitted report and appreciation for the work of the 2010 - 2012 Constitution and Bylaws/Procedures Committee members.
The Conference further recommends that the Constitution and Bylaws/Procedures Committee be assigned the following charges:
Charge: Continue work on charges previously assigned by the Executive Board to:
1. Research "scope" of Executive Board authority concerning direct approval of policy and procedures changes by the Executive Board rather than approval through Issue submission at the Conference Biennial Meetings.
2. Clarify the "scope" of activities assigned to committees that includes:
a) Development of a process of expanding or adding committee charges between biennial meetings.
b) Clarification of language in Conference Procedures Section VIII (D), (F.5.), (H.2.).
3. Clarify what the Executive Board may, under the Constitution and Bylaws and Conference Procedures, do with extracted Issues.
Charge: Review and consolidate the existing *Conference for Food Protection Constitution and Bylaws*, *Conference for Food Protection Procedures* and *Conference for Food Protection Biennial Meeting Manual, position descriptions, conference policies, etc.,* into a comprehensive "*Conference for Food Protection Manual*".

Charge: Report back to the Executive Board; and, submit recommendations as Issues at the 2014 Biennial Meeting.

Submitter Information:

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Attachments:

- "Attachment A: Constitutions and Bylaws/Procedures Committee Final Report"
- "Attachment F: Constitutions and Bylaws/Procedures Committee Roster"

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Conference for Food Protection
2012 Issue Form

Internal Number: 110
Issue: 2012 II-002

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Statement of Neutrality for Council Chair / Council Vice-Chair

Issue you would like the Conference to consider:
In response to a directive from the Executive Board, the 2010 - 2012 Constitution and Bylaws/Procedures Committee has created language to further clarify the role of Council Chairs and Council Vice-Chairs during their service at a Biennial Meeting. New language has been added to the position descriptions directing each to maintain their neutrality with regards to any specific issue during Council deliberations.
The Chair and Vice-Chair shall refrain from publicly voicing a personal opinion on an issue before the Council they serve. They may answer questions related to issues if the intent is to educate or provide clarification. Personal opinions on a specific issue may only be offered outside of council deliberations if clearly identified as a personal opinion or, during deliberations if their position as Chair/Vice Chair has been officially relinquished in accordance with Robert's Rules of Order.

Public Health Significance:
The Constitution and Bylaws/Procedure Committee shall submit recommendations to improve the Conference administrative functions through proposals to amend the Constitution and Bylaws and Conference Procedures.

Recommended Solution: The Conference recommends...:
the addition of a statement of neutrality (noted below; new language underlined), as developed by the Constitution and Bylaws Committee, in the position descriptions for Council Chair and Council Vice-Chair.
Council Chair Neutrality
In order to maintain their neutrality during Council deliberations, the following rules of conduct shall apply to the Council Chair during the biennial conference:

- Outside the Council deliberations, the Chair shall refrain from publicly voicing a personal opinion on an Issue that is before the Council in such a manner or extent that it may call into question his or her ability to remain neutral when the Issue ultimately reaches the Council floor.

- May answer questions related to a specific Issue during Council deliberations if the intent of the response is to objectively educate or clarify the Council, presenter or person approved to address the Council.
- May offer personal opinions in the following situations:
    - Outside of council deliberations, including constituency consensus meetings and caucuses, with the clarification that one is offering a personal opinion and not speaking as the Council Chair.
    - During Council deliberations, only when one's position as Chair has been clearly relinquished to someone else (per Robert's Rules of Order Newly Revised).

Council Vice Chair Neutrality

In order to maintain their neutrality during Council deliberations, the following rules of conduct shall apply to the Council Vice Chair during the biennial conference:

- Outside the Council deliberations, the Vice Chair shall refrain from publicly voicing a personal opinion on an Issue that is before the Council in such a manner or extent that it may call into question his or her ability to remain neutral when the Issue ultimately reaches the Council floor.
- May answer questions related to a specific Issue during Council deliberations if the intent of the response is to objectively educate or clarify the Council, presenter or person approved to address the Council.
- May offer personal opinions in the following situations:
    - Outside of council deliberations, including constituency consensus meetings and caucuses, with the clarification that one is offering a personal opinion and not speaking as the Council Vice Chair.
    - During Council deliberations, only when one's position as Vice Chair has been clearly relinquished to someone else (per Robert's Rules of Order Newly Revised).

Submitter Information:

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Attachments:

- "Attachment B: Council Chair Position Description Neutrality Statement"
- "Attachment C: Council Vice-Chair Position Description Neutrality Statement"

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.

Conference for Food Protection
2012 Issue Form

Internal Number: 111
Issue: 2012 II-003

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:
Clarification of terminology in Conference governing documents

Issue you would like the Conference to consider:
The 2010 - 2012 Constitution and Bylaws/Procedure Committee has reviewed the *Conference for Food Protection Constitution and Bylaws* and the *Conference for Food Protection Procedures* documents to identify where the terms "Conference", "Conference for Food Protection" and "Biennial Meeting" have been used interchangeably or incorrectly. These documents have been expanded and revised over the years with numerous writers/editors. As a result, there are locations within each document where clarification is needed to accurately represent whether a portion of text refers to the Conference for Food Protection as the organization or, refers to the Conference of Food Protection as the Biennial Meeting and vice-versa. An in-depth review was completed to discern the meaning of each passage and provide the appropriate terminology.

Public Health Significance:
The Constitution and Bylaws/Procedure Committee shall submit recommendations to improve the Conference administrative functions through proposals to amend the Constitution and Bylaws and Conference Procedures.

Recommended Solution: The Conference recommends...:
the editorial revision of the *Conference for Food Protection Constitution and Bylaws* and the *Conference for Food Protection Procedures* documents to correct and clarify the use of the terms "Conference", "Conference for Food Protection", and "Biennial Meeting" as appropriate.
For the full language with annotated changes, see:

- Attachment D: Editorial Revisions to CFP Guidance Document - Bylaws
- Attachment E: Editorial Revisions to CFP Guidance Document - Procedures

Submitter Information:
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Attachments:

- "Attachment D: Editorial Revisions to CFP Guidance Documents - Bylaws"
- "Attachment E: Editorial revisions to CFP guidance documents - Procedures"

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.

Conference for Food Protection
2012 Issue Form

Internal Number: 116
Issue: 2012 II-004

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:
Merger and Conformance of CFP Governing Documents

Issue you would like the Conference to consider:
The Constitution and Bylaws/Procedures Committee is seeking to incorporate the *Constitution and Bylaws*, the *Conference Procedures*, the *Conference Biennial Meeting Manual*, position descriptions, Conference policies, etc., into a comprehensive "Conference for Food Protection Manual" that would be divided into multiple "chapters" including the documents listed above and any other relevant items, each as a separate chapter. The *Constitution and Bylaws* will remain as a stand-alone document, potentially as Chapter 1 of the manual, with each of the other complimentary Conference documents as parts of an all-inclusive handbook that can be indexed and cross-referenced. There are areas for improvement in each of these documents (chapters) in the conformance of terminology and language between documents. Also, combining the documents into one master manual will help guarantee that any updates or corrections are performed across the entire manual to ensure that documents match accordingly. The merged and cross-referenced document can be posted to the CFP website in a format similar to the FDA Food Code where each chapter, table of contents, index, etc. shows as an individual link that is part of the whole CFP Manual.

Public Health Significance:
The Constitution and Bylaws/Procedure Committee shall submit recommendations to improve the Conference administrative functions through proposals to amend the Constitution and Bylaws and Conference Procedures.

Recommended Solution: The Conference recommends...:
the 2012 - 2014 Constitution and Bylaws/Procedures Committee be charged to:

1. review the Conference for Food Protection governing documents (*Conference for Food Protection Constitution and Bylaws, Conference Procedures, Conference Biennial Meeting Manual, policies, position descriptions, etc.)* to facilitate a merger and conformance of these documents,
2. report back to the Executive Board on the progress of this charge, and
3. present an issue on this charge at the 2014 CFP Biennial Meeting.

Submitter Information:

Name:	Lee M. Cornman, Chair		
Organization:	Constitution and Bylaws/Procedures Committee		
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Conference for Food Protection
2012 Issue Form

Internal Number: 112
Issue: 2012 II-005

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Definitions for Conference Constituencies

Issue you would like the Conference to consider:
The 2010 - 2012 Constitution and Bylaws/Procedures Committee has created definitions for each of the existing constituencies that represents the Conference for Food Protection membership. Current constituencies include: Regulatory - Local, State, District/Territory and Federal; Industry - Retail, Food Service, Processing and Vending; Academia; and Consumer. While each constituency is identified in the *Conference for Food Protection Constitution and Bylaws* by title, these constituencies do not currently have a clear definition for what comprises each.

Additionally, the Committee has sought to create definitions for several new constituencies that incorporate the expanding types of members who seek to be active participants in the Conference process. The largest majority of current members in the Conference for Food Protection are categorized as "other" because they do not fall within the existing Conference constituencies. New constituencies for consideration by the Conference include: Food Industry Support, Emeritus (retiree), and Student. The Vending Industry constituency has been expanded to include the Distribution Food Industry as a shared constituency titled 'Vending and Distribution Food Industry".

Creation of the new constituencies does not alter representation to the CFP Executive Board, Councils, or to the Conference Voting Delegates as currently prescribed in the *CFP Constitution and Bylaws*.

Public Health Significance:
The Constitution and Bylaws/Procedure Committee shall submit recommendations to improve the Conference administrative functions through proposals to amend the Constitution and Bylaws and Conference Procedures.

Recommended Solution: The Conference recommends...:
newly created language, noted below, relative to definitions for Conference constituencies, as developed by the Constitution and Bylaws/Procedures Committee, be incorporated into the *Conference for Food Protection Constitution and Bylaws* in Article III Registration and Membership, as a new Section 5 (all new language is in underline format).

Article III Registration and Membership

Section 5. Membership in the Conference is classified into constituencies that are representative of the key stakeholder groups which support the objectives of Article I and facilitate the requirements of Article IV. The Conference constituencies are defined as follows:

Subsection 1. Regulatory is comprised of those officers, agents or authorized representatives having authority over the regulation of food establishments, production, processing, vending, or distribution, or has oversight for prevention of foodborne illness in accordance with rule and/or law in their respective governmental jurisdiction. Sub-categories of this constituency include:

a. Local Regulator = government employee or agent representing a territorial division of local government with responsibility for regulation of food establishments, production, processing, vending or distribution, or has oversight for prevention of foodborne illness.

b. State Regulator = government employee or agent representing a territorial division of state government with responsibility for regulation of food establishments, production, processing, vending or distribution, or has oversight for prevention of foodborne illness.

c. Federal Regulator = government employee or agent representing a program or agency of the Federal Government with responsibility for regulation of food establishments, production, processing, vending or distribution, or has oversight for prevention of foodborne illness.

d. District/Territory Regulator = government employee or agent representing the U.S. District of Columbia or one of the six U.S. Territories with responsibility for regulation of food establishments, production, processing, vending or distribution, or has oversight for prevention of foodborne illness.

Subsection 2. Industry is comprised of those employees, agents or executives representing business entities that operate food establishment(s), production, processing, vending, or distribution; or, providers of an industry related service to such food operations; or, representatives of a professional organization or trade association that promotes, supports and/or markets to/for the food industry or its related services. Sub-categories of this constituency include:

a. Food Service Industry = employees, agents or executives representing business entities that operate food service establishments. Examples include, but are not limited to, restaurants of all sizes/types/styles of service, caterers, military food service, institutional and other health care food service, schools and university food service, common carrier food service (planes, trains, etc.), corporate food service operations, and government food service.

b. Retail Food Industry = employees, agents or executives representing business entities that operate retail food establishments. Examples include, but are not limited to, grocery stores, supermarkets, convenience stores, retail pharmacies, produce markets, roadside stands, department stores, warehouse sales clubs, seafood markets, retail bakeries, military base PX/groceries, and liquor stores.

c. Processing Food Industry = employees, agents or executives representing business entities that manufacture, process, package or label food items for wholesale sale. Examples include, but are not limited to, commercial food manufacturing, canning, packaging, commercial bakeries, commercial meat slaughter and processing, packing houses and distribution centers, farming and agricultural processing and packing operations, ice processing, and packing plants.

d. Vending and Distribution Food Industry = employees, agents or executives representing business entities that own and/or operate food companies that vend or distribute food either wholesale or retail. Examples include, but are not limited to, coffee and food vending service companies, service companies, commissaries, food supply chain operators, wholesale distributer, shipping lines, brokers, equipment manufacturers, and suppliers of products and services to operating service companies.

Subsection 3. Food Industry Support = employees, agents or executives representing business entities that provide direct or support services to food service establishments, retail food establishments, processing food operations, vending and distribution food operations. Examples include, but are not limited to, professional organizations, trade associations, pest control companies, auditing firms, standards associations, consultants, cleaning and sanitation management operations, training and/or testing companies or services, equipment and supply operations, software and technology, dieticians or dietary managers, media and legal representatives.

Subsection 4. Academia = academic professionals employed by a college or university involved in education or research involving food sciences, food operations, or food safety. Examples include, but are not limited to, professors, adjunct instructors, researchers, teaching assistants, and extension agents.

Subsection 5. Consumer = employees, agents or executives representing consumer advocacy organizations supporting food safety, food wholesomeness, allergen awareness, food policy matters and food standards and guidelines.

Subsection 6. Emeritus = members retired or honorably discharged from full-time work and no longer receiving compensation for work related to the Conference's mission. This constituency is designed for those professionals who, prior to retirement, were members of any Conference stake holder group in good standing of the Conference for Food Protection for at least three biennial cycles (6 years). Previous membership does not have to be in contiguous biennial cycles. An emeritus member may participate as an attendee/observer in all usual Conference functions such as attending the Biennial Meeting, including workshops, Council deliberations, Assembly of Delegates, and social functions. Emeritus members may serve as a member of a Council Committee, as a Council Committee Chair and participate and vote in constituency caucus meetings. The Executive Board may elect to assign an emeritus member to participate in other Conference related activities.

Subsection 7. Student = any student enrolled in a two-year, four-year, or graduate program in a college or university involving food sciences, food operations or food safety. A student member may participate as an attendee/observer in all usual Conference functions such as attending the Biennial Meeting, including workshops, Council deliberations, Assembly of Delegates, and social functions. Student members may serve as a member of a Council Committee. The Executive Board may elect to assign a student member to participate in other Conference related activities.

Submitter Information:

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Conference for Food Protection
2012 Issue Form

Internal Number: 113
Issue: 2012 II-006

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:
Council Committee Size and Constituency

Issue you would like the Conference to consider:
The 2010 - 2012 Constitution and Bylaws/Procedures Committee has addressed recommendations from the 2010 Biennial Meeting as specified in Issue 2010 II-035. The Committee was charged with developing guidelines regarding committee structure, participant responsibilities, membership size, and constituency representation. To meet this charge, a new Article XV, Section 8, has been developed that clarifies committee size and constituency. Additionally, it is recommended that Section VIII, Paragraph D of the *CFP Conference Procedures* be moved into Article XIV, Section 1, of the *CFP Constitution and Bylaws* with minor revisions.

Language to amend the *CFP Constitutions and Bylaws* was developed to incorporate a minimum and maximum council committee size along with a balanced constituency [note: council committees (ad-hoc) are those established or re-created following every Biennial Meeting and report to a designated Council Chair]. This language provides for establishment of a manageable committee size to accommodate and achieve a voting quorum as well as incorporate active input and participation from other CFP member volunteers. The recommended amendment also provides a procedure structure for committee turnover between subsequent biennial meetings and for changes to members and/or constituencies between biennial meetings.

The recommendation to amend and move language from the *CFP Conference Procedures* into the *CFP Constitution and Bylaws* is also consistent with the charge specified in Issue 2010 II-035 and relevant to identification of committee membership. This language clarifies the appointment of committee chairs and committee members with Board approval and the appointment of Federal participants to each committee as a non-voting member.

Public Health Significance:
The Constitution and Bylaws/Procedure Committee shall submit recommendations to improve the Conference administrative functions through proposals to amend the *CFP Constitution and Bylaws* and *CFP Conference Procedures*.

Recommended Solution: The Conference recommends...:

1) that relevant sections in paragraph D. Appointment of Members, under Section VIII. Committees, in the *CFP Conference Procedures*, including the subsection on Federal agency participation, be moved to Section 1 of Article XIV Committees, in the *CFP Constitution and Bylaws*; and

2) that newly created language relative to Council Committee size and constituency be incorporated into the *CFP Constitution and Bylaws* in Article XV, as a new Section 8.

The recommended language changes are noted as follows (new language is underlined; language to be deleted is in strikethru format:

CFP Conference Procedures

VIII. Committees

A. thru C. No change.

~~D. Appointment of Members~~

~~1. The incoming Council Chairs appoint the Chairs of each Committee formed within their Council with the concurrence of the Conference Chair. The Conference Chair will confirm the appointment of the Committee Chair and then notify the person of their appointment. Once confirmed, the Committee Chair will select the remaining members of the Committee and submit them to the Conference Chair for final Board approval. Accepting a committee chair or member assignment requires a commitment of time and resources as described in the Constitution and Bylaws.~~

~~2. Federal participants (FDA/USDA/CDC) may appoint a member and an alternate for each Committee. The member participates in discussion but does not vote. The alternate may act in the member's place if the member is unable to attend~~.

E. thru J. No language change - renumbering only as paragraphs D through I.

CFP Constitution and Bylaws

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.

Subsection 1. The incoming Council Chairs appoint the Chairs of each Committee formed within their Council with the concurrence of the Conference Chair. The Conference Chair will confirm the appointment of the Committee Chair and then notify the person of their appointment. Once confirmed, the Committee Chair will select the remaining members of the Committee and submit them to the Conference Chair for final Board approval.

Subsection 2. Federal participants (FDA/USDA/CDC) may appoint a member and an alternate for each Committee. The member participates in discussion but does not vote. The alternate may act in the member's place if the member is unable to attend.

Section 2. thru 5. No change.

Article XV Duties of the Committees

Section 8. Council Committee Size and Constituency: Committee membership discussion is limited to Council committees only. Membership on Standing Committees or Executive Board Ad Hoc Committees is defined by the CFP Executive Board.

Subsection 1. Committee size.

Voting membership for council committees should be comprised of at least eleven (11) voting members with a maximum of no more than twenty-three (23) voting members.

a. Minimum size: Voting membership for a minimum size committee is the Chair, Vice Chair, two (2) representatives from state regulatory, two (2) representatives from local

regulatory, two (2) representatives from industry, one (1) from an academic institution, one (1) consumer representative, and one elective (1) representative which may be selected from any Conference constituency.

b. Maximum size: Voting membership for a maximum size committee is the Chair, Vice Chair, four (4) representatives from state regulatory, four (4) representatives from local regulatory, eight (8) representatives from industry, one (1) from an academic institution, one (1) consumer representative, and three elective (3) representatives that may be selected from any Conference constituency.

c. Any committee comprised of membership numbers between the minimum and maximum shall make every reasonable effort to maintain constituency balances.

Subsection 2. The Chair and Vice Chair of a council committee may be selected from any of the Conference constituencies as approved by the Council Chair and the Executive Board, provided each is from a different constituency. If a Committee Chair does not receive sufficient volunteers in the appropriate constituencies, they shall confer with the Council Chair to seek volunteers from the Conference membership making every reasonable effort to maintain constituency balances. The Committee Chair, in conference with the Council Chair and/or Executive Board, shall have the flexibility to fill vacancies in the voting membership with unbalanced constituency representation if deemed necessary to reach a minimum of 11 voting committee members. All proposed committee members must be approved by the Executive Board in accordance with Article XIII, Section 6, Subsection 4 of the Constitution and Bylaws.

Subsection 3. A maximum of 23 voting members are permitted on a council committee. All volunteers not selected for a voting position shall be offered an "at-large" non-voting position on the committee. There is no limit to the number of at-large non-voting members that may participate. At-large members will be included and allowed to participate in all committee functions, including but not limited to, meetings, conference calls, emails, deliberations, research and activities, but will not have an individual vote on committee actions. All voting members and at-large non-voting members shall be identified as such on the committee roster along with their respective constituency.

Subsection 4. In the event a council committee voting member departs such committee during a biennial cycle, an at-large member of the same constituency as the departing member shall be selected by the Council Chair to fill the vacancy, subject to approval by the Council Chair and Executive Board in accordance with Article XIII, Section 6, Subsection 4 of the Constitution and Bylaws. If a council committee voting member changes constituency during a biennial cycle, and there is no vacancy in that member's new constituency, the member will need to transition from service as a voting member on that committee and may continue to serve as an at-large non-voting member for the remainder of the biennial cycle. This transition will occur upon notification to the Committee Chair.

Subsection 5. The Chair of a council committee that continues over more than one biennial cycle shall assess the immediate previous committee membership to ensure at least 50% of the ongoing committee's voting membership are new members that did not serve as voting members on the immediate previous committee. This will ensure that an increased number of at-large members or others have an opportunity to participate as a voting member over time when there are a large number of volunteers.

Submitter Information:

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Conference for Food Protection
2012 Issue Form

Internal Number: 080
Issue: 2012 II-007

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:
Limit Hand Hygiene Committee Size

Issue you would like the Conference to consider:
A separate issue addressed re-creation of the Hand Hygiene Committee. The 2010-2012 Hand Hygiene Committee believes that action on the complex topic of Hand Hygiene would be enhanced by limiting the committee size to facilitate involvement of all committee members on conference calls.

Public Health Significance:
The 2010-2012 Hand Hygiene Committee believes that progress towards its charge was impeded because of committee size. Interest in participating in the Committee was very high, with 50+ people volunteering to serve. The Committee divided into three sub-committees to address the charge, and attempted to use a steering committee to review progress made by the three groups. This multiplied the time commitment for steering committee members and sub-committee chairs who wished to participate in each of the sub-committees. Many committee members dropped out because of the extra time commitment, which hindered continuity. Additionally, the discussions in one committee would have benefited progress of other committees in making informed recommendations on specific situations where application of alternatives to handwashing may be appropriate to reduce public health risk.
The Committee recommends that a limited committee size will lead to a more coordinated work product for this complex topic. While the CFP conference call system can accommodate up to 25, scheduling a conference call for this number of people is problematic.

Recommended Solution: The Conference recommends...:
the size of the 2012-2014 Hand Hygiene Committee to be limited to less than 20 members (including advisors and chairs), to facilitate participation of the full committee on conference calls while maintaining adequate representation from relevant stakeholders.

Submitter Information:
Name: Mark Sampson, Co-Chair
Organization: 2010-2012 Hand Hygiene Committee

Address: Sterilox Food Safety, 162 Ash Way
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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.

Conference for Food Protection
2012 Issue Form

Internal Number: 026
Issue: 2012 II-008

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Report - Issue Committee

Issue you would like the Conference to consider:
The Conference for Food Protection (CFP) Issue Committee requests acknowledgement of its final committee report and requests that the committee be assigned continuation charges to continue improving the Issue submission and review process.

Public Health Significance:
Clarification and improvement of the CFP Issue process will ensure that concerns brought forward from all stakeholders are given an equal opportunity for consideration and final approval.

Recommended Solution: The Conference recommends...:
1) 2012 Issue Committee Final Report (attached) be acknowledged along with the following supporting attachments:
a. Council I 2010 Final Issue Recommendations with Actions
b. Council II 2010 Final Issue Recommendations with Actions
c. Council III 2010 Final Issue Recommendations with Actions
d. Committee Submitted Issues - Review Process and Checklist
e. 2010-12 Issue Committee Roster
2) Issue Committee members be thanked for their service.
3) 2012-14 Issue Committee be assigned the following continuation charges with the requirement to report back to the 2014 Biennial Meeting:
a. Complete the charge from Issue 2010 II-30 to "Expand Archive and Posting Capabilities of CFP Approved Documents" on the Conference web site and develop a process / procedure to ensure posting of all:
i. Documents and attachments modified or edited after Issue packets are made available with reference to the original Issue number and attachment titles;
ii. Documents and attachments modified during and after Council deliberations at the Biennial Meetings; and
iii. Final version of conference approved guides, documents, and presentations in both PDF and the original editable format.

b. Work with the Constitution, Bylaws, and Procedures Committee to review, consolidate, and update CFP governing documents, guidelines, and instructions regarding:
i. Preparation, submission, and presentation of Issues, final committee reports, and Issue attachments.
ii. Roles and responsibilities for each biennium.
c. Review the *CFP Commercialism Policy* as it relates to Issue "attachments" (e.g., peer reviewed articles, industry sponsored studies, letters of recommendation, presentations).
d. Develop a "masthead, flag, nameplate, or style guide" to readily identify approved and posted documents as belonging to the Conference.

Submitter Information:

Name: Aggie Hale, Issue Co-Chair
Organization: Issue Committee
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Attachments:

- "Council I 2010 Final Issue Recommendations"
- "Council II 2010 Final Issue Recommendations"
- "Council III 2010 Final Issue Recommendations"
- "Issue Review Checklist - Committee Issues"
- "Issues Committee Final Roster"
- "Issue Committee FINAL Report 2012"

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Conference for Food Protection
2012 Issue Form

Internal Number: 027
Issue: 2012 II-009

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:
Procedures for Conference Issues - New Wording

Issue you would like the Conference to consider:
The Issue Committee seeks approval of language within the Conference Procedures to further clarify the Issue submission, acceptance, and rejection process.

Public Health Significance:
Clarification and improvement of the CFP Issue process will ensure that concerns brought forward from all stakeholders are given an equal opportunity for consideration and final approval.

Recommended Solution: The Conference recommends...:
adoption of the following new language in the Conference Procedures, Section IV, Conference Issues: (new wording underlined; there is no deleted language):
(NOTE: only relevant sections are included below... please refer to the full Conference Procedures document available at www.foodprotect.org)

A. Issue Submission

4. The deadline for Issues and their attachments is the date specified in the Constitution and Bylaws.

a. Standing committee final reports are required to be submitted as an Issue ONLY when council action is required (e.g., to approve or modify a CFP governing document or policy). By the designated deadline, all Standing Committees are required to submit their final committee report, prospective Issue(s), and any accompanying documents to the Executive Director for review and approval.

B. Issue Acceptance Criteria

1. In order for the Issue to be accepted by the Conference and considered for Council deliberation, all sections of the form must be completed. The Issue must be described completely, with its impact on retail distribution identified. The food protection or public health aspect of the Issue must be clearly stated to be easily understood. A suggested solution or rationale for the Issue must be sufficiently detailed to cover all aspects of the submission.

a. Prior to finalization, all Issues are to be in a "finished form" (e.g., no annotations or unaccepted edits, all attachments present and complete). Issues that are not in this format

may be rejected if the submitter fails to make requested revisions. Documents containing "track changes" or comments from reviewers cannot be accepted because they are, by definition, unfinished and incomplete; the Council will not know what wording to act upon.

b. Issues will NOT be rejected based on content; the only reason for rejection will be non-compliance with the requirements for Issue acceptance.

E. Issue Rejection Process

1. All Issues must be received in final form by the deadline date. If an Issue received prior to the deadline date does not meet the criteria set forth in IV. B., the Issue Chair will make a reasonable attempt to contact the submitter with a brief explanation of the problem. Failure of the submitter to correct and/or resubmit the Issue prior to the deadline date will result in rejection of the Issue.

a. Issue Chair will notify submitter in writing that Issue cannot be accepted as currently written and will be rejected if not submitted in a finished form.

1) Notification to include: specific required changes, deadline date, reference to Issue acceptance Criteria, and a recommendation that Issue can be rewritten and referred to a committee if unable to finalize language.

2) If Issue was submitted by a CFP committee, the respective Council Chair will also be notified; the Executive Director will be notified regarding Issues submitted by standing committees.

3) If submitter is non-responsive, he/she will be notified a second time by the Issue Chair that Issue will be rejected if not submitted in a finished form.

b. If no response is forthcoming from the submitter after the second notification, the Issue Chair will notify the Executive Director that the Issue is pending rejection.

1) The Executive Director will evaluate the Issue Chair recommendation for rejection and agree or disagree based on the criteria spelled out in the Conference Procedures for Issue Acceptance; the Executive Director may elect to contact the submitter directly.

a) If the Executive Director agrees with the Issue Chair decision to reject, he/she will forward the Issue to the Conference Chair and Vice Chair for their review.

- The Conference Chair and/or Vice Chair may elect to contact the submitter directly to determine if he/she is willing to bring the Issue into compliance; thus, the submitter may have one last chance.
- If the Conference Chair or Vice Chair do NOT choose to contact the submitter, the Issue will be rejected.
- If the Conference Chair and Vice Chair disagree as to whether the Issue should be rejected, the matter will be referred to the Executive Board for resolution.

b) If the Executive Director disagrees with the Issue Chair and determines the Issue (as written) meets the Issue acceptance requirements, he/she will send the Issue back to the Issue Chair with a written explanation; the Issue Chair may appeal such a finding to the Executive Board.

2. At least forty (40) days before the Conference meeting, the submitter of an Issue that does not meet the criteria for acceptance or is not in the jurisdiction of the Conference is notified by the Executive Director with a copy to the Conference Chair and the Issue Chair of the reason(s) why the proposed Issue is not acceptable. A rejected Issue may be considered a "Special Issue" if accepted by the Board and submitted by the Board to the Council at the beginning of the Conference meeting.

Submitter Information:

Name: Aggie Hale, Issue Co-Chair
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Conference for Food Protection
2012 Issue Form

Internal Number: 036
Issue: 2012 II-010

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:
Report- Interdisciplinary Foodborne Illness Training Committee

Issue you would like the Conference to consider:
The Conference for Food Protection (CFP) Interdisciplinary Foodborne Illness Training Committee (IFITC) seeks Council II's
1. Acknowledgement of its final committee report.
2. Thanking committee members for their work.

Public Health Significance:
Delays in reporting or investigating a possible foodborne disease outbreak can prolong an outbreak event, potentially resulting in further illness or economic disruption. Effective training of professionals in outbreak response can mitigate the effects of an outbreak.
Many states indicate utilizing some form of foodborne epi education programs, but there is great variability in training offerings. Training programs in outbreak investigation should have some consistency and a minimal level of proficiency to ensure rapid response and communication, amongst investigating parties.
The mere existence of programs does not guarantee efficacy of the training. Accreditation or voluntary standards can provide a level of quality assurance and/or consistency amongst foodborne illness training programs to ensure that professionals are comfortably prepared to investigate outbreaks, institute proper control measures, and correspond appropriately amongst the many other parties and jurisdictions involved.

Recommended Solution: The Conference recommends...:
to acknowledge the report and to thank the committee for its work.

Submitter Information:

Name: Anna Starobin, MD, CP-FS Co-Chair
Organization: Interdisciplinary Foodborne Illness Training Committee
Address: Ecolab8300 Capital Dr.
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Attachments:

- "Interdisciplinary Foodborne Illness Training Committee Report"
- "Attachment A IFITC IFPTI Courses"
- "Attachment B IFITC CIFOR Courses"
- "Attachment C Committee Roster"

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Conference for Food Protection
2012 Issue Form

Internal Number: 037
Issue: 2012 II-011

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Re-Create-Interdisciplinary Foodborne Illness Training Committee

Issue you would like the Conference to consider:
To continue tracking the progress of prominent disease training program (an accessible foodborne illness prevention/response education opportunities, of any length, offered at the state or national level). currently developed, identify essential educational content of foodborne disease outbreak training programs; evaluate and rank identified courses for relevance and content; identify any gaps in foodborne disease outbreak training; consider if levels of foodborne disease outbreak training/retraining are needed.

Public Health Significance:
Delays in reporting or investigating a possible foodborne disease outbreak can prolong an outbreak event, potentially resulting in further illness or economic disruption. Effective training of professionals in outbreak response can mitigate the effects of an outbreak.
Many states indicate utilizing some form of foodborne epidemiological education programs, but there is great variability in training offerings. Training programs in outbreak investigation should have some consistency and a minimal level of proficiency to ensure rapid response and communication, amongst investigating parties.
The mere existence of programs does not guarantee efficacy of the training. Accreditation or voluntary standards can provide a level of quality assurance and/or consistency amongst foodborne illness training programs to ensure that professionals are comfortably prepared to investigate outbreaks, institute proper control measures, and correspond appropriately amongst the many other parties and jurisdictions involved.

Recommended Solution: The Conference recommends...:
- that the Interdisciplinary Foodborne Illness Training Committee be re-created ; and
- Report back to the 2014 Biennial Meeting of the Conference for Food Protection.

Submitter Information:

Name: Anna Starobin, MD, CP-FS Co-Chair
Organization: Interdisciplinary Foodborne Illness Training Committee
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Conference for Food Protection
2012 Issue Form

Internal Number: 078
Issue: 2012 II-012

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:
Report - Food Protection Managers Certification Committee (FPMCC)

Issue you would like the Conference to consider:
Please acknowledge the attached final report as submitted and thank the 2010-2012 Food Protection Manager Certification Committee (FPMCC) members for their effort in addressing the charges from the 2010 Biennial Meeting of the Conference for Food Protection.

Public Health Significance:
Food establishments have fewer critical risk factors according to the CDC as stated in the endorsement letter to the Conference for Food Protection (dated April 5, 2006, and referenced on the Conference website) when food establishments employ managers who have a Food Protection Manager Certification in accordance with the Conference for Food Protection's *Standards*.
http://www.foodprotect.org/media/managercert/MTTC_cdc_endorse.pdf

Recommended Solution: The Conference recommends...:
acknowledging the attached Food Protection Manager Certification Committee (FPMCC) report with attachments, and extending thanks to the Committee members for their work.

Submitter Information:

Name: Joyce Jensen, REHS, CP-FS, Committee Chair
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Attachments:
- "FPMCC Final Report"
- "ANSI-Certification Providers Workgroup Report"
- "Proposed Standards Revision"
- "Proposed FPMCC Bylaws Revision"

- "FPMCC Roster"

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Conference for Food Protection
2012 Issue Form

Internal Number: 081
Issue: 2012 II-013

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:
Standards - Non-Substantive Revisions

Issue you would like the Conference to consider:
The FPMC Committee, in addition to making substantive revisions to address examination security *(see Issue titled: Standards - Strengthening Exam Security),* felt that the *Standards* needed additional revisions for consistency, clarity, and accuracy. In addition, a new numbering system is being proposed. These changes do not change any of the intent or current application of the *Standards* as they relate to the accreditation process. They do, however, make the Standards a better document.
Revisions include:

- Correctly referencing the Biennial meeting of the Conference for Food Protection
- Consistently referencing "certification organizations" which were sometimes referred to as "certifying organizations" or "certifying programs."
- Consistently referencing "test administrator/proctor" which was sometimes referred to as "test administrator and proctor" or "test administrator or proctor."
- Consistently referencing "examinee" which was sometimes referred to as "candidate."
- Consistently referencing "examination" which was sometimes referred to as "test" or "exam."
- Replacing the word "must" with "shall."
- Replacing the word "assure" with "ensure."
- Correcting typos and text errors.
- Correcting the section numbers of the FDA Food Code referenced in the preamble.
- Removing references to other sections of the Standards within the Standards.
- Revising the numbering scheme within the S*tandards*' Sections.

In addition, the *Standards* Table of Contents and page numbers will be revised as needed based on the revisions approved in April 2012.
As these are non-substantive revisions to the *Standards,* exact language changes can be found in the FPMCC Final Report attachment, *Standards for Accreditation of Food Protection Manager Certification Programs* with Committee proposed revisions.

Public Health Significance:

Food establishments have fewer critical risk factors according to the CDC as stated in the endorsement letter to the Conference (dated April 5, 2006, and referenced on the Conference Website) when food establishments employ managers who have a Food Protection Manager Certification in accordance with the Conference for Food Protection's *Standards*. http://www.foodprotect.org/media/managercert/MTTC_cdc_endorse.pdf

Recommended Solution: The Conference recommends...:

approval of the non-substantive revisions to the *Standards for Accreditation of Food Protection Manger Certification* for improving consistency, clarity, and accuracy within the *Standards* and establishing a new numbering system.

Exact language changes are found in the FPMCC Final Report attachment, *Standards for Accreditation of Food Protection Manager Certification Programs* with Committee proposed revisions (January 5, 2012 draft).

Submitter Information:

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Conference for Food Protection
2012 Issue Form

Internal Number: 079
Issue: 2012 II-014

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Standards - Strengthening Exam Security

Issue you would like the Conference to consider:
The Food Protection Manager Certification Committee (FPMCC) proposes revisions to the *Standards for Accreditation of Food Protection Manager Certification Programs* to significantly strengthen the examination security by modifying or creating standards to address the following recommendations from the FPMCC Workgroup.

- Exam Development - Increase the exam form item bank from 600 to 1000.
- Test Administrator/Proctor's Roles and Responsibilities - Clearly delineate all Test Administrator/Proctor roles and responsibilities.
- Training of Test Administrators/Proctors - Require the certification organizations to provide a training program for Test Administrators/Proctors based on learning objectives that reflect their roles/responsibilities.
- Verification of Test Administrators - Require certification organizations to notify ANSI when Test Administrator/Proctor has been removed.
- Exam Item Exposure - Require certification organizations to have a system to track all examinations (exam books and/or answer sheets).
- Exam Shipping and Handling - Restructure Standards to include provisions that ensure security for all shipping and handling of exams by certification organizations and Test Administrators/Proctors.
- Test Sites - Require a private room accessible only to Test Administrator/Proctor/Examinees during test administration.
- Certificates - Require certification organizations to have a system to provide verification to the current validation of individual certificates.
- Advertising Standards - Test Administrator/Proctor cannot make statements or claims, nor have affiliation with any organization making statements or claims such as guarantees of passing the exam.
- Management Systems - Include a new section to the Standards that contains requirements for the implementation of management systems that include document control, internal audits, and management review.

Public Health Significance:

Food establishments have fewer critical risk factors according to the CDC as stated in the endorsement letter to the Conference for Food Protection (dated April 5, 2006, and referenced on the Conference website) when food establishments employ managers who have a Food Protection Manager Certification in accordance with the Conference for Food Protection's *Standards*.
http://www.foodprotect.org/media/managercert/MTTC_cdc_endorse.pdf

Recommended Solution: The Conference recommends...:
approval of revisions to the *Standards for Accreditation of Food Protection Manager Certification Programs* to address examination security and increase the credibility of the Food Protection Manager Certification.
All language and modifications are contained within attached document titled: "Recommended Solutions - Strengthening Exam Security" extracted from the document titled "*Standards for Accreditation of Food Protection Manager Certification Programs* with Committee Proposed Revisions" which is attached to the Issue titled "Report - FPMCC."
A summary of the changes include:
A. In the Preamble, revise the "Modifications and Improvements" section.
B. In *"*Section 1.0 - Definitions" - add specified definitions.
C. In *"*Section 4.0 - Food Safety Certification Examination Development" - revise Subsections 4.1 and 4.17 and move the components of 4.18 to Section 5.
D. In *"*Section 5.0 - Food Safety Certification Examination Administration" - reorganize, revise, replace, and add subsections as noted.
E. In *"*Section 7.0 - Certification Organization Responsibilities to Candidates and to the Public" - replace sections 7.3 and 7.4 with a new section.
F. Add a new "section 9.0 - Management Systems."
The Conference also recommends that the revised *Standards for Accreditation of Food Protection Manager Certification Programs* be posted to the CFP web site.

Submitter Information:

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Attachments:

- "Recommended Solutions - Strengthening Exam Security"

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Conference for Food Protection
2012 Issue Form

Internal Number: 084
Issue: 2012 II-015

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
FPMCC Non-Substantive Bylaw Revisions

Issue you would like the Conference to consider:
The proposed non-substantive revisions to *the Food Protection Manager Certification Committee Bylaws* includes: clarification of terms and references for consistency and accuracy, and to eliminate duplication of Robert's Rules of Order which are adopted within the Bylaws.

Public Health Significance:
Food establishments have fewer critical risk factors according to the CDC as stated in the endorsement letter to the Conference (dated April 5, 2006, and referenced on the Conference Website) when food establishments employ managers who have a Food Protection Manager Certification in accordance with the Conference for Food Protection's *Standards*. http://www.foodprotect.org/media/managercert/MTTC_cdc_endorse.pdf

Recommended Solution: The Conference recommends...:
approval of the non-substantive revisions to the *Food Protection Manager Certification Committee Bylaws*.
A summary of the proposed non-substantive revisions include:

- clarification of terms and references for consistency and accuracy, and
- elimination of language duplication with Robert's Rules of Order already adopted within the Bylaws.

Exact language changes are found in the FPMCC Final Report attachment, *Food Protection Manager Certification Committee Bylaws* with Committee proposed revisions (final draft revision Jan 2012).

Submitter Information:

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Conference for Food Protection
2012 Issue Form

Internal Number: 082
Issue: 2012 II-016

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
FPMCC Substantive Bylaw Revisions

Issue you would like the Conference to consider:
The proposed revision to *the Food Protection Manager Certification Committee Bylaws* includes:

- Membership and voting for all certification organizations.
- Addressing "alternate" and "advisor" membership.
- Addressing changes in constituency while serving on the committee as a representative of the constituency.

In anticipation of more than three certification organizations, it is important to revise the voting so that it is fair and consistent. The proposed wording, while limiting the number of votes, allows for every certification organization to be represented on the committee, regardless of how many certification organizations there are.

Public Health Significance:
Food establishments have fewer critical risk factors according to the CDC as stated in the endorsement letter to the Conference (dated April 5, 2006, and referenced on the Conference Website) when food establishments employ managers who have a Food Protection Manager Certification in accordance with the Conference for Food Protection's *Standards*. http://www.foodprotect.org/media/managercert/MTTC_cdc_endorse.pdf

Recommended Solution: The Conference recommends...:
adopting the following Food Protection Manager Certification Committee (FPMCC) substantive Bylaw revisions to ensure a fair and consistent representation for all certification organizations. All new language is indicated in underline format; language to be deleted is in strike through.

Article V. Committee Structure and Representation.

Section 1. To be eligible to serve on the Committee as a voting member or non-voting alternate, individuals must commit in writing to active participation and be approved by the Conference Chair and the Board.

Section 2. The Committee Chair and Vice-Chair~~, and/or Council II Chair~~ will select committee members and alternates from the list of volunteers or recruit volunteers as appropriate to balance the committee as delineated ~~under Article IV. Committee Structure~~

~~and Representation~~ in these Bylaws. In the event of a Committee vacancy with no designated alternate in that constituency, the Chair will first recruit from the remaining list of volunteers provided during the initial Committee selection process.

Section 3. The composition of the Committee is a balanced representation of industry, regulatory, academia, certification ~~providers~~ organizations, training providers, and consumers. The Committee membership representation shall consist of a maximum of ~~twenty-eight (28)~~ thirty (30) full ~~members~~ votes from the following constituencies ~~in addition to the Chair and Vice-Chair~~:

Subsection 1. Nine (9) representatives from regulatory agencies with food safety responsibilities:

c. Two (2) from federal government agencies;. ~~with retail food program responsibilities.~~

d. Three (3) "At Large" appointments;. ~~(*At Large representation - agencies with primary regulatory food safety responsibilities.)~~

Subsection 3. ~~Three (3)~~ Five (5) total votes for certification ~~providers~~ organizations that are accredited by the Conference's accreditation process. All accredited certification organizations who volunteer will be given a voting position on the Committee; if more then five (5) organizations participate on the Committee, fractional but equal voting rights will be calculated as established in these Bylaws;

Section 4. Committee members will serve a two (2) year term, concurrent with the cycle of the biennial Conference meeting. Committee members are eligible to serve for consecutive terms contingent upon

~~Subsection 1. Indication of written interest to serve on the Committee.~~

~~Subsection 2. The availability of membership based on the representation requirements set forth in Article IV, Section 1.~~

~~Subsection 3. A~~an assessment by the Committee Chair and ~~Council II Chair,~~ Vice-Chair~~, and the incoming Chair of the Committee~~ to ensure a balance between members who have previously served on the Committee and new members.

Section 5. ~~In the event of a surplus or insufficient number of volunteers in a category, the Council II Chair may consult with the outgoing Committee Chair to identify potential candidates for appointment to the Committee.~~ Up to two (2) non-voting alternates will be included on the Committee roster each for industry, regulatory, academia, training providers, and consumers to best represent the category of each constituency. Each certification organization participating on the Committee may designate one (1) alternate from their own organization.

Section 7. In the event a Committee member changes constituency during their term, the Chair may consider them for any open seat on the Committee which needs representation from their constituency or consider any open alternate position. If the Chair determines that there are no appropriate openings available, the Committee member will be asked to resign from the committee.

Article VI. Committee Organization, Operation, and Meetings

Section ~~11~~ 4 Voting

Subsection 2. Except for certification organizations, all voting Committee members and alternates designated for that meeting shall have one (1) vote.

Subsection 3. All certification organizations accredited by the Conference's accreditation process participating on the Committee shall not exceed a total of five (5) votes.

• If more than five (5) certification organizations volunteer to participate on the Committee, the five (5) votes allocated to certification organizations shall be fractionalized (evenly divided).
• The voting fraction shall be determined when the final committee membership is approved by the Board and shall remain in effect until the next biennial Conference meeting.
• Each certification organization shall be allowed no more than one (1) vote or one (1) voting fraction at any meeting.

Article IX. Duties of Committee Members / Alternates

Section 1 ~~2~~. Committee members shall have the responsibility to notify the Committee Chair of their inability to attend a meeting or participate on a conference call at least fifteen (15) days prior to the scheduled meeting or conference call. For any committee member that is unable to attend a scheduled meeting or conference call, an alternate will be assigned. Selection of the designated alternate will be agreed upon by the Committee Chair and the absent member and chosen to best represent the constituency of the absent member. ~~The member may submit in writing a designated representative in his/her place to the Chair.~~ This designated alternate may vote on issues before the committee only during the specified meeting or conference call.

Section 2 ~~3~~. Committee members and alternates shall have the responsibility to review for comment standards, reports, recommendations, issues or other Committee documents distributed within the time frames designated by the Committee.

Section 3 ~~4~~. Committee members and alternates shall have the responsibility to complete work assignments within time frames designated by the Committee.

Section 4 ~~5~~. Committee members and alternates shall have the responsibility to notify the Committee Chair or the Chair's designee of their inability to complete a work assignment.

Article X. Committee Consultants and Advisors

Section 4. The Chair and Vice-Chair may invite, with approval from the Committee, advisors or subject matter experts to participate in meetings and conference calls, if it is determined that such individuals would provide additional information, insight, clarification, guidance or other assistance to the Committee, for a specified purpose. These advisors or subject matter experts will be non-voting guests in meetings and conference calls.

Submitter Information:

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Conference for Food Protection
2012 Issue Form

Internal Number: 085
Issue: 2012 II-017

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
FPMCC - New and Continuation Charges

Issue you would like the Conference to consider:
The Food Protection Manager Certification Committee (FPMCC), a standing committee of the Conference, shall be charged to continue its work and has identified the following specific charges:

- Continue working with the CFP Executive Board and the American National Standards Institute (ANSI)-CFP Accreditation Committee (ACAC) to maintain the *Standards for Accreditation of Food Protection Manager Certification Programs* in an up-to-date format.
- Revise/Update the *Standards for Accreditation of Food Protection Manager Certification Programs* Preamble and Annexes.
- Complete the pilot evaluation process, based on the initial impact of the revised *Standards,* to ensure that the evaluation tool will examine the components and outcomes of the additional examination security *Standards* as needed. The evaluation tool will then be used by the FPMCC in the 2014-2016 Biennium to determine if additional examination security requirements are needed to further insure credibility of the Food Protection Manager Certification Accreditation.

Public Health Significance:
Food establishments have fewer critical risk factors according to the CDC as stated in the endorsement letter to the Conference (dated April 5, 2006, and referenced on the Conference Website) when food establishments employ managers who have a Food Protection Manager Certification in accordance with the Conference for Food Protection's *Standards*. http://www.foodprotect.org/media/managercert/MTTC_cdc_endorse.pdf

Recommended Solution: The Conference recommends...:
the following charges be assigned to the Food Protection Manager Certification Committee (FPMCC) for the 2012-2014 biennium:
1) Continue working with the CFP Executive Board and the American National Standards Institute (ANSI)-CFP Accreditation Committee (ACAC) to maintain the *Standards for Accreditation of Food Protection Manager Certification Programs* in an up-to-date format.

2) Revise/Update as needed the *Standards for Accreditation of Food Protection Manager Certification Programs* Preamble and Annexes.
3) By July 1, 2012, the FPMCC Chair will request approval of the formation of a Security Evaluation Workgroup for the purpose of initiating the exam security evaluation process; workgroup representation will include:

- ANSI representative,
- ANSI field research design (data) subject matter expert,
- CFP ACAC representative,
- One representative from each Certification Organization,
- FPMCC Chair and Vice Chair,
- One food industry representative, and
- One food regulatory representative.

4) Evaluate the results of the exam security evaluation process and Standards revisions approved by the 2012 CFP Biennial Meeting to ensure that they are resulting in substantial improvement of exam security. The FPMCC is proposing a plan to:

- work with ANSI to update the ANSI accreditation application to incorporate the final Standards changes as approved at the 2012 Biennial Meeting,
- develop surveillance documents,
- establish an analysis framework and research plan for data collection and evaluation of improvement in exam security,
- complete a preliminary study to ensure that the evaluation tool works, and
- develop a timeline for continued improvement.

5) Report back to the Executive Board and the 2014 Biennial Meeting of the Conference for Food Protection.

Submitter Information:

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Conference for Food Protection
2012 Issue Form

Internal Number: 038
Issue: 2012 II-018

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:
Report - Program Standards Committee

Issue you would like the Conference to consider:
The Conference of Food Protection (CFP) Program Standards Committee (PSC) seeks Council II's acknowledgement of its committee report.

Public Health Significance:
The Voluntary National Retail Food Regulatory Program Standards were developed to serve as a guide for regulatory retail food program managers in the design, management, and execution of a retail food program in our continued goal of reducing foodborne illness risk factors and promoting active managerial control practices sustaining long term compliance. The PSC continues to work with the FDA internal working group and the FDA Clearinghouse Committee to clarify and address issues that arise with the Standards. Over the past two years, the PSC has worked with these FDA entities and the attached report outlines the progress and summary of their work.

Recommended Solution: The Conference recommends...:
Acknowledgement of the 2010-2012 Program Standards Committee Final Report and thanking the members for completed work.

Submitter Information:

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Attachments:
- "2010-2012 Program Standards Committee Final Report"
- "2010-2012 Program Standards Committee Roster"
- "Proposed Amendments to Standard No. 9 Program Assessment"
- "Standard No. 8 Assessment Workbook"

- "Standard No. 8 Assessment Workbook Instruction Guide"

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Conference for Food Protection
2012 Issue Form

Internal Number: 039
Issue: 2012 II-019

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Amendment to Standard 9 Program Assessment

Issue you would like the Conference to consider:
Amend Voluntary National Retail Food Regulatory Program Standards, Program Standard No. 9 to add an additional requirement to develop targeted intervention strategy(s) designed to address the occurrence of the risk factors identified in the jurisdiction's Risk Factor Study. And, those intervention strategies are implemented and the effectiveness of each strategy is evaluated by subsequent Risk Factor Studies or other similar tool. Additional grammatical corrections are also recommended.

Public Health Significance:
Currently, Standard No. 9 requires jurisdictions to conduct a Risk Factor Study and analysis of the resulting data to track trends over time related to the occurrence of risk factors. What is currently lacking is a requirement for jurisdictions to attempt to improve the compliance rates for the risk factors identified as having a high out of compliance rate in their Risk Factor Study. Although one of the objectives of the Program Standards is to track the results of regulatory efforts over time, as currently written, it is possible that a jurisdiction could conduct repeated Risk Factor Studies without ever implementing any activities designed to reduce the occurrence of foodborne illness risk factors and still meet Standard No. 9 by simply collecting the data.

The proposed additional language as submitted by the Program Standards Committee provides needed grammatical corrections, but more importantly, would ensure that enrolled jurisdictions develop a targeted intervention strategy or strategies designed to address the occurrence of the risk factors identified in their Risk Factor Study, that these strategies are implemented, and the effectiveness of each strategy is evaluated by subsequent Risk Factor Studies or other similar tools.

The proposed language does not require that interventions result in a reduction in the occurrence of the risk factors, simply that it is attempted and measured. It encourages innovative approaches by suggesting jurisdictions consider various types of interventions such as code changes, educational and training activities, enforcement and compliance strategies, etc. The purpose of the proposed intervention strategy is to attempt to effect improvement in reducing priority risk factor occurrences, between measurement intervals and to assess the strategy's effectiveness.

Recommended Solution: The Conference recommends...:
a letter be sent to the FDA requesting an amendment to the Voluntary National Retail Food Regulatory Program Standards, Standard 9 Program Assessment, to add requirements to ensure that enrolled jurisdictions develop a targeted intervention strategy or strategies designed to address the occurrence of the risk factors identified in their Risk Factor Study, that these strategies are implemented, and the effectiveness of each strategy is evaluated by subsequent Risk Factor Studies or other similar tools.

- The specific revisions to Standard 9 are amended to read as follows:

(NOTE: complete Standard 9 document with tracked changes is attached to Issue titled: Report - Program Standards Committee)

Requirement Summary, (pages 9-2 and 9-3):

To be an active participant in the *Voluntary National Retail Food Regulatory Program Standards* and to be listed on the FDA Roll of Participating Jurisdictions, a jurisdiction must ~~assure~~ ensure that:

To achieve the criteria of Standard 9 and claim Standard 9 as met, a jurisdiction must ~~assure~~ ensure that:

3. A targeted intervention strategy(s) designed to address the occurrence of the risk factors(s) identified in their Risk Factor Study is implemented and the effectiveness of such strategy(s) is evaluated by subsequent Risk Factor Studies or other similar tools.

Achieving Standard 9, (page 9-5 thru 9-7):

A. 2. To evaluate trends over time to determine whether progress is being made toward reducing the occurrence of foodborne illness risk factors. Studies designed to measure trends require analysis of data over a period of time, and no single point in time can be used to derive trend conclusions.

E. A jurisdiction must ensure that a targeted intervention strategy designed to address the occurrence of the risk factor(s) identified in their Risk Factor Study (Survey) is implemented and the effectiveness is evaluated by subsequent Risk Factor Studies (Surveys) or other similar tools.

Jurisdictions are encouraged to incorporate various types of interventions such as code changes, educational and training activities, enforcement and compliance strategies, etc. The purpose of the intervention strategy is to attempt to affect improvement in reducing priority risk factor(s) occurrence rates between measurement intervals and assess their effectiveness.

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Conference for Food Protection
2012 Issue Form

Internal Number: 040
Issue: 2012 II-020

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Standard No. 8 Assessment Workbook and Instruction Guide

Issue you would like the Conference to consider:
The Conference for Food Protection (CFP) Program Standards Committee (PSC) is recommending that new resources developed by the PSC be approved and included on the *2011 Self Assess and Audit Disk* to compliment the *Guide to Self Assess* as a resource for assessing staffing levels as defined in Standard No. 8.

Public Health Significance:
The Voluntary National Retail Food Regulatory Program Standards were developed to serve as a guide for regulatory retail food program managers in the design, management, and execution of a retail food program in our continued goal of reducing foodborne illness risk factors and promoting active managerial control practices sustaining long term compliance. Standard No. 8 applies to Program Support and Resources which includes a section on assessing adequate staffing levels.
Standard No. 8 recommends "a staffing level of one full-time equivalent (FTE) devoted to food for every 280 - 320 inspections performed". While the committee believes that this Standard as it applies to staffing level is unachievable for most jurisdictions and does not provide a realistic measurement that can be applied across various retail food regulatory programs across the nation, the majority agreed that if the PSC focused on a resource to assist in assessing the staffing level that valuable information pertaining to the challenges in meeting this Standard could be identified, which in the future could lead to a more attainable staffing level load.
Over the past two years, the PSC developed a new staffing level assessment resource through discussions and research to compliment the *Guide to Self Assess* for Standard No. 8. The PSC also developed a supporting instruction guide and recommends it also be made available to enrolled jurisdictions.

Recommended Solution: The Conference recommends...:
1) Approval of the following documents (*included as attachments to the Issue titled: Report - Program Standards Committee)*:
- *Standard No. 8 - Assessment Workbook*
- *Standard No. 8 - Assessment Workbook Instruction Guide*

2) That a letter be sent to the FDA requesting that both resource documents be made available to enrolled jurisdictions on the FDA web site and on upcoming versions of the *Self Assess and Audit Disk*.

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Conference for Food Protection
2012 Issue Form

Internal Number: 041
Issue: 2012 II-021

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Re-create Program Standards Committee

Issue you would like the Conference to consider:
The Conference of Food Protection (CFP) Program Standards Committee (PSC) requests that the PSC be re-created to serve as a stakeholder group to provide input to the FDA internal working group and continued assessment of the Standards for recommending changes and improvements.

Public Health Significance:
The Voluntary National Retail Food Regulatory Program Standards were developed to serve as a guide for regulatory retail food program managers in the design, management, and execution of a retail food program in our continued goal of reducing foodborne illness risk factors and promoting active managerial control practices sustaining long term compliance.

Recommended Solution: The Conference recommends...:
The Program Standards Committee be re-created following the 2012 CFP Biennial Meeting with the following charges:

1. Serve as a stakeholder group to provide input to an FDA internal working group to:

a. Collaborate on the development of an Administrative Procedures Document to support the Voluntary National Retail Food Regulatory Program Standards; and

b. Recommend additional changes or improvements to the Program Standards.

2. Explore, assess, and reevaluate Staffing Levels language within Standard No. 8 and recommended any changes.

3. Formulate resolutions to issues brought before the committee and report back at the 2014 CFP Biennial Meeting.

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Conference for Food Protection
2012 Issue Form

Internal Number: 071
Issue: 2012 II-022

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Administrative Procedures for Retail Food Program Standards

Issue you would like the Conference to consider:
Jurisdictions that use the Voluntary National Retail Food Regulatory Program Standards would benefit from the availability of a document that describes the processes used by FDA to administer the Program Standards and the processes that FDA expects jurisdictions to follow to "enroll in" and "remain" an active participant. As an addendum to the Program Standards that is maintained by FDA, such a document would serve to consolidate items currently described in Program Standard No. 9 and elsewhere in supporting materials and on websites maintained by FDA.
Currently Standard No. 9 of the Voluntary National Retail Food Regulatory Program Standards contains many of the procedures that jurisdictions are expected to follow if they are to be considered "an active participant" in the Program Standards. Among other things, these procedures address the required frequency for completion of self-assessments and verification audits and how jurisdictions are expected to report progress to FDA for inclusion on FDA Listing of Enrolled Jurisdictions. FDA believes these broad "standards implementation" requirements should be moved from Standard No. 9 to the new addendum, so that Standard No. 9 requirements contain only requirements directly related to a jurisdiction's assessment of their own program.

Public Health Significance:
Currently Standard No. 9 requires jurisdictions to assess their programs by conducting a Risk Factor Study and analysis of the resulting data to track trends over time related to the occurrence of risk factors. The intent of this Standard is for enrolled jurisdictions to track and assess their program outcomes as demonstrated by the occurrence of foodborne illness risk factors over time and to develop and implement strategies to improve food safety in their jurisdiction.
In addition, Standard No. 9 includes administrative requirements related to the self-assessment and auditing of a program against the full set of Program Standards and establishes what must be reported to FDA in order for an agency to be recognized as an "active participant" in the Program Standards.
FDA believes such administrative requirements do not belong in a specific Program Standard and instead belong in an administrative procedures document that more fully

describes the roles and expectations of jurisdictions formally participating in the Program Standards and of FDA in administering the Program Standards. Having a separate procedures document that describes all that is required for active participation and recognition by FDA should make it easier for stakeholders to locate and understand all the procedures related to Program Standards participation. Further, having a separate administrative procedures document should provide FDA more flexibility to improve the ways it implements the Program Standards without changing a recognized Program Standard itself.

Among the items that FDA believes would be best moved to a separate administrative document are those currently in Program Standard No 9. related to:

- the frequency of self-assessments and audits;
- procedures for conducting self-assessments and audits;
- the qualifications of auditors; and
- the submission of forms to FDA for inclusion on the Listing of Enrolled Jurisdictions.

Also appropriate for inclusion in such a document are administrative procedures that are not contained in Standard No. 9 but that would address:

- Program Standards enrollment eligibility;
- Procedures for maintaining FDA's Listing of Enrolled Jurisdictions and other means of recognizing participating jurisdictions;
- Procedures for obtaining interpretations of Program Standards through FDA Program Standards Clearinghouse;
- Procedures for resolving disputes concerning the results of non-conforming verification audits.

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA requesting that:

1. FDA develop and maintain an addendum to the Voluntary National Retail Food Regulatory Program Standards that describes the administrative processes used by FDA to implement the Program Standards and by jurisdictions that choose to be active participants in the Program Standards, and that the addendum address how, and with what frequency, to:
    - Enroll jurisdictions in the Program Standards;
    - Measure and report progress made by jurisdictions in assessing and auditing their programs for conformance with the Voluntary Retail Food Regulatory Program Standards 1 through 9 (including submission of specific forms);
    - Recognize those jurisdictions meeting the Standards, including how jurisdictions are listed on the FDA website;
    - Interpret the Standards and resolve disputes concerning the results of non-conforming audits; and
    - Otherwise successfully implement the Program Standards.
2. Upon availability of an administrative procedures document, FDA will amend Program Standard 9, as shown in Attachments A and B, to remove language that describes the administrative processes used by jurisdictions to demonstrate implementation of the Program Standards but that are not requirements for conformance with Program Standard 9-Program Assessment and to make necessary editorial changes, as needed;

3. During development of the administrative procedures document, FDA consult the CFP Program Standards Committee for input on its content and format and on the placement of such a document as an addendum to the Standards.

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Attachments:

- "Attachment A-EXAMPLE Proposed amendments to Standard 9 for Admin Procedures"
- "Attachment B-CLEAN COPY EXAMPLE Proposed amendments to Standard 9 - Admin"

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Conference for Food Protection
2012 Issue Form

Internal Number: 046
Issue: 2012 II-023

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Report - CFSRP Part A - Certification of Food Safety Regulation Prof.

Issue you would like the Conference to consider:
The CFP Certification of Food Safety Regulation Professionals (CFSRP) Work Group seeks the Conference's acknowledgement of its Work Group Report Part A.
(NOTE: CFSRP Part B of the Work Group report is submitted in a separate Issue titled: Report - CFSRP Part B - Uniform Inspection Program Audit Pilot Project).

Public Health Significance:
A national model that addresses training and the professional development of regulatory retail food safety professionals is essential to enhancing the effectiveness of the nation's retail food protection system.
The Standard 2 training and standardization model should be viewed as a working document that will need to be updated and revised to meet the ever-changing retail food safety environment. The Conference for Food Protection provides the mechanism to:

- Maintain and update this national training model;
- Explore additional training and/or assessment needs for regulatory retail food programs; and
- Build consensus among all retail food safety stakeholders.

Recommended Solution: The Conference recommends...:
acknowledgement of the Conference for Food Protection, Certification of Food Safety Regulation Professionals - Work Group Report Part A and the following attachments.

- 2012 CFP CFSRP Committee Final Report
- CFP CFSRP Committee Roster
- Assessment of Training Needs Survey Summary
- Third Party Auditor Survey Results
- IFPTI Curriculum Framework

The Conference also recommends thanking all the 2010-2012 CFSRP members, and the organizations/agencies they represent, which allowed them to actively participate on the Work Group.

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Attachments:

- "CFP CFSRP Committee Roster"
- "Assessment of Training Needs Survey Summary"
- "Third Party Auditor Survey Results"
- "IFPTI Curriculum Framework"
- "CFSRP Final Report 2012"

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Conference for Food Protection
2012 Issue Form

Internal Number: 049
Issue: 2012 II-024

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Report - CFSRP Part B - Uniform Inspection Program Audit Pilot Project

Issue you would like the Conference to consider:
The CFP Certification of Food Safety Regulation Professionals (CFSRP) Work Group seeks the Conference's acknowledgement of Part B of its report summarizing the data and feedback received from the 14 State and local jurisdictions that participated in the Uniform Inspection Program Audit Pilot Project.
(NOTE: Part A of the Work Group report is submitted in a separate Issue titled:
Report - CFSRP Part A - Certification of Food Safety Regulation Professionals Work Group)

Public Health Significance:
The 2010 Conference charged the CFSRP Work Group with coordinating a pilot project that assessed the appropriateness of using a customized version of the FDA Retail Food Level I Performance Audit process and forms with a limited number of jurisdictions enrolled in the FDA Voluntary National Retail Food Regulatory Program Standards. One of the intended outcomes of the pilot project was to assess the feasibility for incorporating the *Uniform Inspection Program Audit* process and *Audit Worksheet* as model template contained in an Appendix to Standard 4.
The CFP *Guide to the Uniform Inspection Program Audit, Audit Worksheet*, and *Audit Reference Guide* used for the pilot study are available on the CFP web link:
http://foodprotect.org/about/news/?id=cfp-cfsrp-pilot-project-announcement
The pilot project report summarizes the feedback from the participating jurisdictions who:

- Determined the strengths and weaknesses of the *Uniform Inspection Program Audit* process, *Audit Worksheet*, instructions, and guidance documents.
- Provided assessments on the ease of use of the documents.
- Determined the length of time and resource commitment necessary to complete the audit process.
- Reviewed the 10 inspection program areas and competencies that comprise the Standard 4 criteria for omissions, additions, and items deemed to be not applicable. (A detailed description of the 10 inspection areas and competencies is contained in the *Audit Reference Guide* available on the CFP web link noted above.)

- Assessed the appropriateness of including the *Uniform Inspection Program Audit* process and *Audit Worksheet* as a model template for Standard 4.

The *Uniform Inspection Program Audit Pilot Project Report* is included with this Issue as an Attachment.

Recommended Solution: The Conference recommends...:

acknowledgement of the Certification of Food Safety Regulation Professionals - Work Group's Report Part B, the summary and findings in the attached *Uniform Inspection Program Audit Pilot Project Report*.

The Conference further recommends that an expression of thanks be extended to the 14 State and local jurisdictions (listed in the report Acknowledgements) for their invaluable contributions.

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Attachments:

- "Guide to Uniform Inspection Program Audit, Worksheet, and Reference Guide"
- "Uniform Inspection Program Audit Pilot Project Report 12-01-11"

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Conference for Food Protection
2012 Issue Form

Internal Number: 051
Issue: 2012 II-025

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Recommendations from Uniform Inspection Program Audit Pilot Project

Issue you would like the Conference to consider:
Based on a review of the findings and feedback from the *Uniform Inspection Program Audit Pilot Project* (conducted July 2010 through June 2011), the CFP Certification of Food Safety Regulation Professionals Work Group has identified specific criteria contained in the Voluntary National Retail Food Regulatory Program Standards, Standard 4 - *Uniform Inspection Program* criteria that should be reviewed and revised, as necessary, to facilitate the implementation of quality assurance assessments within regulatory retail food protection programs. The CFSRP Work Group is recommending that the FDA, with input from the CFP Program Standard Committee, review the pilot project recommendations impacting Standard 4 - *Uniform Inspection Program*, to determine if the suggested revisions to the criteria are appropriate and in keeping with the intent and scope of the FDA *Voluntary National Retail Food Regulatory Program Standards.*

The Work Group's ***Uniform Inspection Program Audit Pilot Project Report was submitted*** as an attachment to the Issue titled: Report - CFSRP Part B - Uniform Inspection Program Audit Pilot Project.

Public Health Significance:
Standard 4 applies to a regulatory jurisdiction's internal policies and procedures established to ensure uniformity among regulatory staff in the interpretation of regulatory requirements, program policies, and compliance/enforcement procedures. It requires that a review of each Food Safety Inspection Officer's (FSIO) work be made during at least two joint inspections, with a corresponding file review of at least the three most recent inspection reports. These quality assurance assessments provide important feedback that will assist the regulatory jurisdiction in identifying existing strengths and potential areas for improvement within their existing retail food training program or administrative policies.

The *Uniform Inspection Program Audit Pilot Project* provided an opportunity to garner important feedback from a limited number of jurisdictions enrolled in the FDA *Voluntary National Retail Food Regulatory Program Standards* on the practical application of the criteria contained in Standard 4. The subsequent pilot project report contains a number of recommendations for enhancing the effectiveness of the Standard that include, but are not limited to:

- Aligning the 10 Program Elements described in Standard 4 with the Performance Elements and Competencies contained in the Standard 2 - *CFP Field Training Plan* for new hires or staff newly assigned to the retail food protection program.
- Providing a linear listing of the Program Elements in Standard 4 to reflect an organized flow to the inspection process.
- Providing an assessment system that differentiates between the complexity and importance of the 10 Program Elements, particularly as they are assessed during the inspection review process.
- Clarifying the Standard 4 criteria to include qualifications for an individual charged with assessing the performance of field staff and what type of establishments should be selected for the file and field review.
- Re-evaluating the system currently in place for determining compliance with the Standard 4 criteria. The Standards are intended to apply to the operation and management of regulatory retail food programs, NOT as assessments of practitioners in the field. The current system weighted on a practitioner's ability to demonstrate the 10 Program Elements during field inspections seems to be skewed more toward an assessment of the individual rather than an evaluation of the regulatory retail food inspection program.

Recommended Solution: The Conference recommends...:
that a letter be sent to FDA requesting that they:
1. Work in collaboration with the Program Standards Committee to revise Standard 4, Uniform Inspection Program, to address the pilot project comments and to assess the criteria in Standard 4 to make it more program focused rather than focused on the individual.
2. Review for potential revisions to the Standard 4 Uniform Inspection Program criteria and field inspection review process, the following recommendations contained in the CFP CFSRP Uniform Inspection Program Audit Pilot Project Report.

- Revise the Guide to Conducting a Uniform Inspection Program Audit. Some changes that should be considered include:
  a) Developing a more comprehensive guidance document similar to the CFP Field Training Manual contained in Standard 2 that explains the criteria for each component of the audit process;
  b) Clarifying the process for selecting the establishments that are to be used for the file and field review;
  c) Clarifying the parameters for what is to be included as part of the establishment file review;
  d) Providing expanded guidance on the auditor's qualifications, role, and responsibilities.
- Align the 10 Program Elements contained in Standard 4 with the Performance Elements and competencies identified in the Standard 2 - CFP Field Training Plan. This alignment would necessitate revisions to the Guide to Conducting a Uniform Inspection Program Audit, Audit Worksheet, and Audit Reference Guide.
- Present the 10 Program Elements contained in the Standard 4 criteria, the Guide to Conducting a Uniform Inspection Program Audit, and Audit Worksheet in a linear format to reflect a logical sequence to the inspection process.

- Incorporate the information contained in the Audit Reference Guide into the Guide to Conducting a Uniform Inspection Audit to eliminate the need for multiple documents.
- Ensure consistency in the weighting/assessing of each of the 10 Program Elements. Some Program Elements, such as the one that relates to assessing risk factors, are much more complex than others, such as the timely filing of reports and documents. A more equitable, objective assessment system should be established for the audit process.
- Design the audit process and worksheet to allow jurisdictions the flexibility for assessing inspection Program Elements that are specific to their retail food protection program. The Standard 2 - CFP Field Training Plan builds in the flexibility for a jurisdiction to include performance elements / competencies that are important to their program. The Standard 4 criteria and associated audit worksheet and guides are more rigid in their format.
- Re-evaluate the assessment protocol for Performance Elements and provide better guidance as to what constitutes an effective performance measurement. The field inspection assessment conducted as part of Standard 4 seems to take an all or nothing approach. Item 1 for example pertains to an assessment of observations of risk factors and public health interventions - eleven different categories. If an inspector fails to make an observation of just one item in this category, this Program Element is not met. This level of performance is higher than what is used for FDA Food Code Standardizations.
- Provide defined performance measurements that are quantifiable within the Program Elements contained in Standard 4. Some of the Program Elements are very subjective in nature and do not contain definitive performance measurements, such as producing legible reports.
- Include a comment section within the Audit Worksheet so that a more detailed description can be provided as to the observations made of an inspector's performance of any one of the 10 Program Elements.

3. Obtain input and feedback from the CFP Program Standards Committee to assist FDA in the review of the recommendations contained in the CFP CFSRP pilot project report.

Reference:

The *Uniform Inspection Program Audit Pilot Project Report* was submitted as an attachment to the Issue titled: Report - CFSRP Part B - Uniform Inspection Program Audit Pilot Project.

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Conference for Food Protection
2012 Issue Form

Internal Number: 052
Issue: 2012 II-026

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Re-create Certification of Food Safety Regulation Professionals Work Group

Issue you would like the Conference to consider:
The CFP Certification of Food Safety Regulation Professionals (CFSRP) Work Group has identified specific initiatives pertaining to the training and professional development of regulatory retail food safety inspection officers that require continued Conference deliberation. A 2012-2014 CFP Certification of Food Safety Regulations Professional (CFSRP) Work Group should be created by the Conference to continue the work on these initiatives.

Public Health Significance:
A national model that addresses training and the professional development of regulatory retail food safety professionals is essential to enhancing the effectiveness of the nation's retail food protection system. The model training plan and log, field training worksheets, and joint field training process presented in the CFP *Field Training Manual for Regulatory Retail Food Safety Inspection Officers (Field Training Manual)*, approved at the 2008 Biennial Meeting are only a part of a professional development continuum that is needed to ensure regulatory retail food safety professionals have the knowledge and skills to effectively conduct inspections of retail food stores, restaurants, and/or institutional foodservice facility types.
The Standard 2 training and standardization model should be viewed as a working document that will need to be updated and revised to meet the ever-changing retail food safety environment. The Conference for Food Protection provides the mechanism to:

- Maintain and update this national training model;
- Explore additional training and/or assessment needs for regulatory retail food programs; and
- Build consensus among all retail food safety stakeholders.

Recommended Solution: The Conference recommends...:
that a re-created 2012-2014 Certification of Food Safety Regulation Professionals (CFSRP) Work Group be charged with the following:

Charge 1: Collaborate with the FDA Center for Food Safety and Applied Nutrition, the FDA Division of Human Resource Development, and the Partnership for Food Protection Training and Certification Workgroup (PFP TCWG) to:

- Continue review of all initiatives: existing, new or under development; involving the training, evaluation and/or certification of food safety inspection officers. This collaborative working relationship will ensure the sharing of information so as not to create any unnecessary redundancies in the creation of work product or assignment of tasks/responsibilities.
- When completed, use the Retail Food Safety Specialist Job Task Analysis being developed under the umbrella of the PFP TCWG to review and revise the Standard 2 curriculum to identify any gaps and recommendations for change and review the time frame for completion of Steps 1 through 4 for new hires or staff newly assigned to the regulatory retail food protection program.
- Determine if the CFP Field Training Manual and forms need to be revised based on the findings of the PFP TCWG and the Retail Food Safety Specialist Job Task Analysis.

Charge 2: Collaborate with FDA, other federal agencies, and professional and industry associations to evaluate the results of the Retail Food Safety Specialist Job Task Analysis being developed under the umbrella of the PFP TCWG to:

- Assess and determine appropriate training and standardization processes/protocols for third party auditors.
- Identify any agencies/organizations/working groups currently addressing education and training standards for third party auditors conducting retail food compliance inspections.
- Provide a recommendation to the Conference as to what actions/initiatives, if any, need to be undertaken to provide a national structure for ensuring that third party auditors possess the necessary knowledge, skills, and abilities to conduct retail food program compliance inspections.

Charge 3: Work in collaboration with the FDA to:

- Revise Standard 4 Uniform Inspection Program to address comments contained in the 2012 Work Group's pilot project report.
- Assess and re-evaluate the criteria in Standard 4 to make it more "program focused" rather than focused on the individual.

Charge 4: Report back the Work Group's findings and outcomes to the 2014 Biennial Meeting of the Conference for Food Protection.

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Conference for Food Protection
2012 Issue Form

Internal Number: 016
Issue: 2012 II-027

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Recommendations for Promoting the Field Training Manual

Issue you would like the Conference to consider:
An evaluation of the best approaches to promoting awareness and implementation of the national training model contained in the CFP Field Training Manual and forms, Appendix B 2, Standard 2, was conducted by the CFP Certification of Food Safety Regulation Professionals Work Group. The CFSRP Work Group has identified that FDA is the most appropriate authority to promote and implement the Field Training manual and the Work Group has specific recommendations to be presented to FDA in a letter from the Conference.

Public Health Significance:
A national model that addresses training and the professional development of regulatory retail food safety professionals is essential to enhancing the effectiveness of the nation's retail food protection system. The model training plan and log, field training worksheets, and joint field training process presented in the CFP *Field Training Manual for Regulatory Retail Food Safety Inspection Officers (Field Training Manual)*, approved at the 2008 CFP Biennial Meeting are an important part of a professional development continuum that is needed to ensure regulatory retail food safety professionals have the knowledge and skills to effectively conduct inspections of retail food stores, restaurants, and/or institutional foodservice facility types.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA recommending that the FDA actively promote implementation and use of the *Field Training Manual for Regulatory Retail Food Safety Inspection Officers (Field Training Manual).* The following items are offered to provide assistance to the FDA in their promotional activities:

- CDC's Environmental Public Health Performance Standards toolkit, which was created in partnership with National Association of County and City Health Officials (NACCHO), was reviewed and determined to be a valuable model for promotion and implementation of the CFP Field Training Manual.

- Case studies of jurisdictions that use the CFP Field Training Manual would be a valuable resource in a toolkit provided by FDA to jurisdictions that are working to include the Field Training Manual in their program.
- Application forms for available financial incentives would be an asset in a toolkit provided by FDA as financial assistance would promote implementation of the Field Training Manual in jurisdictions that are not currently using the Manual.
- The toolkit should also include references of agencies and subject matter experts to contact for implementation questions.

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Conference for Food Protection
2012 Issue Form

Internal Number: 086
Issue: 2012 II-028

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
CIFOR Foodborne Illness Outbreak Response Guidelines for Industry

Issue you would like the Conference to consider:
Currently there is no national tool or guidance available directed to the retail industry to assist in preparation for, or in response to a foodborne illness outbreak.

The multi-stakeholder Council to Improve Foodborne Outbreak Response (CIFOR) was established to develop model programs and processes to facilitate the investigation and control of foodborne illness outbreaks. This model was not intended to replace existing procedural manuals found at the local, state and federal agencies but rather to improve the coordination and performance at all levels of government involved in foodborne illness outbreaks. However, the initial voluntary guidelines lacked a defined role for industry during foodborne illness outbreaks.

Recently, the CIFOR Industry Workgroup, composed of representatives from FDA, CDC, state and local health departments, industry and trade associations, completed the Foodborne Illness Response Guidelines for the Food Industry (CIFOR Guidelines for Industry) which was developed as voluntary guidance for managers of food establishments (Industry) to help outline, clarify, and explain Industry's recommended role in a foodborne illness outbreak investigation. The Guidelines provide industry with step-by-step guidance that includes preparation, detection, investigation, control, and follow-up. The Guidelines also provide key information to assist Industry in understanding what to expect when first notified of potential illnesses and provides tools to help guide industry through the investigation process.

Familiarity with the CIFOR Guidelines and Tools will aid regulators, health officials, and industry in responding to an outbreak situation. The CIFOR Guidelines and tools should be included in both the FDA Food Code and Voluntary National Retail Food Regulatory Program Standards for the regulatory community and also made widely available to food service and retail operators.

Public Health Significance:
The CIFOR protocol for investigating foodborne illnesses provides guidance and direction for the regulatory and regulated communities. During a foodborne illness outbreak, time is of the essence in order to identify the offending food product and to remove it from the

market place. To facilitate and ensure correct information is obtained in a timely fashion, a consistent approach to investigating foodborne illness outbreaks is crucial.

By using these *CIFOR Guidelines* and Tools, Industry can take an active and educated role in the outbreak response and investigation, reducing the impact to the public and their business. A fully coordinated investigation can then proceed more quickly and accurately, yielding more dependable results that are in the interest of public health while limiting impact to the involved industry.

The benefits of having a uniform approach include:

1. The *CIFOR Guidelines* are a Best Practices document.
2. Investigation training is simplified by having everyone training to the same requirements and investigation protocols.
3. Industry can be better prepared to supply critical information supporting an investigation and provide better control measures when a multijurisdictional outbreak occurs.
4. As stated in the *CIFOR Guidelines* Preface'...it (*CIFOR Guidelines*) is not intended to replace existing procedure manuals. Agencies and individuals should use the *Guidelines* to compare existing procedures, fill gaps in and update site-specific procedures, create procedures where they do not exist, and train program staff.
5. Even though every outbreak has its own path to completion, a systematic approach, as provided by CIFOR, will help ensure that a thorough and timely investigation is completed.
6. CIFOR addresses the complexity of multijurisdictional investigations and seeks to improve communication and coordination at all levels of government and industry.
7. There has been developmental buy-in to the CIFOR Guidelines by all the affected stakeholders (CDC, FDA, state and local health agencies as well as industry).

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows:

1. Addition of the final, approved (currently in draft form per CDC) *CIFOR Guidelines* and Tools to the Food Code, Annex 2 (References), Part 3 (Supporting Documents); and
2. Inclusion of the final, approved *CIFOR Guidelines* and tools as a reference into the FDA Program Standard Number 5, *Foodborne Illness Investigation and Response.* This would be in addition to Standard 5's reference to the International Association of Food Protection's *Procedure to Investigate a Foodborne Illness.*
3. Exploration of other channels of distribution for the CIFOR Guidelines.

CIFOR documents will be available here: http://www.cifor.us/.

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Conference for Food Protection
2012 Issue Form

Internal Number: 103
Issue: 2012 II-029

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
CIFOR Foodborne Illness Response Guidelines for the Food Industry

Issue you would like the Conference to consider:
The Council to Improve Foodborne Outbreak Response (CIFOR) *Foodborne Illness Response Guidelines for the Food Industry* was developed as *voluntary* guidance for managers of Food Establishments ("Industry") to help outline, clarify, and explain Industry's recommended role in a foodborne illness outbreak investigation. It provides a step-by-step approach that Industry can take, including preparation, detection, investigation, control, and follow-up. The *Guideline* also describes key information to assist Industry in understanding what to expect when first notified of potential illnesses and provides Tools to help guide Industry through the process.
The Guideline and its tools provide valuable information for industry and the regulatory community in the event of a foodborne disease outbreak. It should be made widely available to stakeholders through publication as part of the FDA Food Code. Once officially adopted by CIFOR, the Guideline and tools will be available at www.cifor.us.

Public Health Significance:
By using this Guideline and Tools, Industry can take an active and educated role in the outbreak response and investigation, reducing the impact to the public and their business. A fully coordinated investigation can then move more quickly and accurately, yielding dependable results that are in the interest of public health while limiting impact to Industry.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code:

1. following its publication, the addition of the CIFOR Foodborne Illness Response Guidelines for the Food Industry to the FDA Food Code, Annex 2 (References), Part 3 (Supporting Documents).
2. following its publication, the addition of the CIFOR Foodborne Illness Response Guidelines for the Food Industry as a reference in FDA's Voluntary National Retail Food Regulatory Program Standard #5: Foodborne Illness and Defense Preparedness and Response.

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Conference for Food Protection
2012 Issue Form

Internal Number: 020
Issue: 2012 II-030

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Transition of the CFP Standard to the ISO/IEC 17024 Standard

Issue you would like the Conference to consider:
The Conference should consider adopting the International Standard "ISO/IEC 17024: Conformity Assessment - General Requirements for Bodies Operating Certification of Persons" developed by the International Organization for Accreditation in lieu of the "Conference for Food Protection Standards for the Accreditation of Food Protection Manager Certification Programs" over a multi-year transition period. The Conference should task the Food Manager Certification Committee with developing a plan to transition from the Conference standard to the ISO standard.

The Conference would still maintain control over the accreditation process associated with the Conference's accreditation. The American National Standards Institute (ANSI) would evaluate applicant certification bodies against ISO/IEC 17024 and determine if the requirements have been met and would accredited the organization against the ISO standard. The Conference would still have to accept ANSI's recommendations before an organization would be deemed to be accredited by the Conference. ANSI cannot accredit a certification body for the Conference. Only the Conference can award conference accreditation unless the Conference designates ANSI to do this for them.

Attached to this issue are three files that should be reviewed. The first is the application for accreditation. This file is attached because it contains the language of the ISO/IEC 17024 standard. Because the standard is a copyrighted standard, it is not allowed to be placed in this issue for presentation to the entire conference. However the text of the standard does appear in the application so the conference may review the clauses of the standard by reviewing the application. The second file that is attached is a background paper that describes the issue in further detail. Finally the third file is a letter from the American National Standards Institute attesting to the comparability of the two standards.

Public Health Significance:
The safety of food in the United States is dependent upon Food Managers who understand and implement basic food safety concepts. The Conference has established a standard and an accreditation process against that standard to ensure that Food Manager Certification Programs attesting to the knowledge and skills of Food Managers are valid, reliable and legally defensible. Over time, this standard must be updated and maintained

by experts familiar in standards language and standards development. A volunteer pool of food experts may not have the necessary knowledge to adequately maintain the standard.
The United States government (including the Department of Defense, Food and Drug Administration, and Department of Energy) have identified an international standard (ISO/IEC 17024) and accreditation against this standard by the American National Standards Institute (ANSI). They have selected ISO/IEC 17024 standard as the standard of choice for providing evidence that a personnel certification program is valid, reliable and legally defensible. ISO/IEC 17024 is maintained by an international organization, the International Organization for Standardization (ISO) on a regular basis and has world-wide acceptance. By using this standard in lieu of the Conference standard, the public can be assured that Food Manager Certification Programs are recognized against the very best standard by the very best accrediting body.

Recommended Solution: The Conference recommends...:
adoption of "ISO/IEC 17024 Conformity Assessment: General requirements for bodies operating certification of persons" to replace the "Conference for Food Protection Standard for the Accreditation of Food Protection Manager Certification Program" over a multi-year transition period. This adoption simply means a swapping of one standard (the Conference Standard) for another equivalent standard (the ISO Standard).
The Conference also recommends that the Food Protection Manager Certification Committee be tasked with:

- developing a multi-year process to gradually transition to the new ISO standard. The transition should occur in stages allowing sufficient time for all accredited certification bodies to meet the new standard and in guidance with the American National Standards Institute (ANSI).
- revising the Committee governing documents to reflect the transition of the Conference standard to the ISO standard, to reflect any additional requirements above the ISO standards that the conference would want to require for Conference Accreditation, and to reflect the conference maintaining control over the Conference accreditation process.

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Attachments:

- "ANSI Application for Accreditation (contains the 17024 standard language)"
- "Background Information for Issue"
- "ANSI Letter Stating Equivalence of ISO standard to CFP standard"

Conference for Food Protection
2012 Issue Form

Internal Number: 087
Issue: 2012 II-031

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Adoption of ISO/IEC 17024 Standard for Personnel Certification Programs

Issue you would like the Conference to consider:
The Conference should consider adopting ISO/IEC 17024 - Conformity Assessment: General Requirements for Bodies Operating Certification of Persons as a Standard that is equivalent to the Conference for Food Protection Standard for Accreditation of Food Protection Manager Certification Program.
The American National Standard has deemed the two standards to be equivalent. Based on the equivalence of the standards, the Conference should consider accepting Certification Organizations who are accredited to ISO/IEC 17024 by the American National Standards Institute as also meeting the Conference's Standard.
Attached to this issue are three files that should be reviewed in consideration of this issue. The first is the application for accreditation. This file is attached because it contains the language of the ISO/IEC 17024 standard. Because the standard is a copyrighted standard, it is not allowed to be placed in this issue for presentation to the entire conference. However the text of the standard does appear in the application so the conference may review the clauses of the standard by reviewing the application. The second file that is attached is a letter from the American National Standards Institute attesting to the comparability of the two standards. The third file attached is the language from the introduction of ISO/IEC 17024 that describes the purpose of the standard to illustrate that the standard has the same purpose as the Conference's standard (a standard of best practice for certification programs).

Public Health Significance:
The safety of food in the United States is dependent upon Food Managers who understand and implement basic food safety concepts. The Conference has established a standard and an accreditation process against that standard to ensure that Food Manager Certification Programs attesting to the knowledge and skills of Food Managers are valid, reliable and legally defensible. When the Conference standard was developed, no equivalent standard was available for use by the Conference. Since that time, the International Organization for Standardization (ISO) has developed a standard that is not only equivalent, but is of higher quality than the Conference standard. This standard is ISO/IEC 17024 - Conformity Assessment - General Requirements for bodies operating

certification of persons and certification bodies are accredited by the American National Standards Institute (ANSI) against this standard. Certification Organizations seeking accreditation by ANSI against ISO/IEC 17024 must also submit for accreditation by ANSI against the Conference Standard. This results in a duplication of effort. ANSI must send out auditors to audit the same Certification Organization Food Manager program against two similar standards and the Certification Organization must pay twice. This results in an increase cost to the industry. If costs to verify the knowledge of Food Managers increase, the risk to the public is that Food Managers will not seek certification.

Recommended Solution: The Conference recommends...:
adoption of ISO/IEC 17024 "Conformity Assessment: General Requirements for Bodies Operating Certification of Persons" as an equivalent standard to the "Conference for Food Protection Standard for the Accreditation of Food Protection Manager Certification Program" and grant immediate reciprocal accreditation acceptance of a certification organization accredited by the American National Standards Institute (ANSI) against ISO/IEC 17024 as meeting the Conference standard. Thus an organization achieving accreditation by ANSI against ISO/IEC 17024 would also simultaneously receive accreditation against the Conference Standard.

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Attachments:

- "ANSI Application for Accreditation (contains 17024 language)"
- "ANSI Letter Stating Equivalence of the ISO Standard to the CFP Standard"
- "Introduction to ISO/IEC 17024 Which describes the Purpose of the Standard"

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Conference for Food Protection
2012 Issue Form

Internal Number: 022
Issue: 2012 II-032

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Inspection Form Scoring Committee

Issue you would like the Conference to consider:
This Issue is submitted on behalf of the Conference so that Council II may deliberate and recommend what action(s) to take with respect to the Inspection Form Scoring Committee. The Committee submitted a draft committee report (see attached) to the Council II Chair but did not submit a final report or Issues for the 2012 Biennial Meeting.

Public Health Significance:
The Inspection Form Scoring Committee has worked for several years to develop a uniform system for the evaluation of food establishments with respect to food safety. Such a system would be of benefit to the retail food industry, regulators, and consumers for risk communication and risk management.

Recommended Solution: The Conference recommends...:
that the attached Inspection Form Scoring Committee report be acknowledged and the Committee members be thanked for their work.
The Conference also recommends that the Council II debate the future of the Inspection Form Scoring Committee and determine whether this committee is to be:
a) disbanded (as recommended in the attached report), or
b) re-created for the next biennium with specified new charges or with contination charges from the 2010 Biennial Meeting, and with a requirement to report back to the 2014 CFP Biennial Meeting.
Respectfully, a "no action" or "accept as submitted" recommendation are not valid options for this Issue.

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Attachments:

- "Inspection Form Scoring Committee Final Report"
- "Content Attachment #1"
- "Supporting Attachment 1"
- "Inspection Form Scoring Committee Roster final"

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Conference for Food Protection
2012 Issue Form

Internal Number: 044
Issue: 2012 II-033

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Electronic Reporting for Health Inspections

Issue you would like the Conference to consider:
The issue of electronic reporting for health inspections has been a topic at several meetings of the Conference for Food Protection. It is clear that the increased availability and visibility to health inspection results helps foodservice establishment management and regulators work together to ensure food safety. We urge that substantive progress be made toward this objective.

In 2010, the CFP Electronic Reporting Committee (Issue 2010 II-007) submitted the following statement that was adopted by the Conference:

"The Conference recommends that the Conference Chair write a letter to the Food and Drug Administration (FDA) requesting that they develop a database management tool that will enable the analysis of future baseline survey data collected by regulatory agencies to assess and enhance the effectiveness of food safety programs and report back to the Conference for Food Protection."

We urge that FDA develop a database management tool that will enable the entry and analysis of inspection results, and allow access by establishment owners and operators in order to enhance the effectiveness of food safety programs.

Public Health Significance:
It is important that there be visibility to the results of food safety efforts at retail food establishments. The ability to access health inspection information will support clarity in application of health code regulations and in compliance activities. The result is improved food safety performance for the consumer and better protection of the public health.

Recommended Solution: The Conference recommends...:
a letter be sent to FDA requesting that FDA develop a database management tool that will enable the entry and analysis of inspection results, and allow access by establishment owners and operators in order to enhance the effectiveness of food safety programs.

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Conference for Food Protection
2012 Issue Form

Internal Number: 094
Issue: 2012 II-034

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Harmonized Food Code and Electronic Reporting for Health Inspections

Issue you would like the Conference to consider:
The National Council of Chain Restaurants includes 32 chain restaurant companies with representation throughout the United States. Current health inspections use a variety of formats, scoring methods, and electronic or paper recording of inspection reports, depending on jurisdiction. This variety leads to inconsistency in inspections making comparison of restaurant performance problematic across national chains. Harmonization and electronic reporting in a single report format would create searchable and downloadable databases for use in improving restaurant performance and enhancing the effectiveness of food-safety programs.
Universal adoption of the FDA Food Code in its entirety by state and local health departments would greatly facilitate the harmonization of uniform inspection tools and compliance reporting throughout the United States. Varying Food Code regulations hamper chain restaurants from developing consistent training materials, performance metrics, and corrective actions to health report violations. This makes regulatory compliance for national chains complex, time-consuming, and resource intensive. It also results in varying programs of food-safety protection. We acknowledge that a stated goal of FDA's Retail Food Safety Initiative is the universal adoption of the Food Code and we support FDA, state and local health authorities in achieving this goal.

Public Health Significance:
A harmonized approach to Health Inspection data collection, warehousing and availability would do the following:

- Allow uniformity on the application and reporting of health-code regulations and compliance activities across the US.
- Facilitate corporate/business owner awareness of inspection results, engaging restaurant leadership in the remediation of critical violations, inspection failures, and any other urgent inspection outcomes.
- Allow industry to perform ongoing analytics of violation trends across federal, state and local jurisdictions so that resources can be better allocated to reduce targeted violations, improve public health, and manage poor-performing restaurants.

- Facilitate cross agency/jurisdictional data sharing for state and national benchmarking studies and become a data resource for academia, industry, consumers, and the media.

Recommended Solution: The Conference recommends...:
That a letter be sent to FDA recommending:

- The FDA develop an electronic database for state and local health inspection reports that uses consistent violation categories/types and scoring methodology for health inspection reporting.
- That this database should be accessible by corporate/business owners, consumers, reporters, and academia for the purpose of better compliance reporting and data analysis to improve public health protection and better manage restaurant performance.

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Conference for Food Protection
2012 Issue Form

Internal Number: 088
Issue: 2012 II-035

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Standardized Data Collection and Electronic Reporting of Inspections

Issue you would like the Conference to consider:
Current health department food establishment inspection forms use a variety of formats, scoring approaches and records that can be stored electronically or on paper. Food establishment inspection data would be most effective if collected and stored in a standardized format that is readable and searchable across multiple technology platforms. Standardized data collection formats could help reduce a significant barrier to sharing of inspection data.

Public Health Significance:
A standardized approach to Inspection data collection, warehousing, and access could:

- Facilitate cross agency/jurisdictional data sharing for state and national Baseline (Risk Factor) Studies, and be a data resource for academia and industry partners.
- Allow the development of third party web and mobile applications which can provide controlled access of inspection results to consumers, regulators, industry and media.
- Allow corporate/business owner awareness of inspection results and trends, engaging food establishment management in the remediation of critical violations, repeat violations, inspection failure, and any other urgent inspection outcomes.
- Allow industry to perform ongoing analytics of inspection findings so that resources can be optimally allocated to reduce violations, better manage poor performing food establishments, and improve public health.
- Reduce time and resources needed by regulatory agencies to comply with inspection data requests from media, consumers and others.

Recommended Solution: The Conference recommends...:
that a committee be created to study how health department inspection data can be collected more uniformly through the use of standardized formats to enhance public health. Utilizing Food Code Annex 7, Form 3-A (Food Establishment Inspection Form) and Guide 3-B (Instructions for Marking the Food Establishment Inspection Report, Including Food Code References for Risk Factors/Interventions and Good Retail Practices) as the starting point, the committee is charged to consider:

- Uniform violation categories / types, by utilizing the FDA inspection form,

- Consistent scoring methodology, and
- Development of a centralized electronic database with controlled access.

The committee will report on its findings, along with implementation recommendations at the 2014 CFP Biennial Meeting.

These activities should be undertaken with the intent of eventually creating a national database to warehouse inspection data from contributing states, local jurisdictions and other sources.

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Conference for Food Protection
2012 Issue Form

Internal Number: 003
Issue: 2012 II-036

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Risk-Based Inspection Form-Marking

Issue you would like the Conference to consider:
REMOVE THE RESTRICTION FROM THE AUDIT MANUAL THAT THE FORM NOT BE PRE-POPULATED WITH ITEMS MARKED "IN"

Public Health Significance:
THE RECOMMENDED RISK-BASED INSPECTION FORM CONTAINS "IN/ OUT / NA / AND NO" CATEGORIES FOR 54 GROUPS OF VIOLATIONS. USE OF THIS FORM IS NECESSARY TO MEET AT LEAST 3 SEPARATE Retail Food Regulatory Program STANDARDS. REQUIRING EACH OF THE 54 GROUPS TO EACH BE MARKED EVERY INSPECTION IS REQUIRED TO ELIMINATE ALLEGED POTENTIAL BIAS THAT MAY BE PRESENT IF THE FORM IS PRE-POPULATED WITH ITEMS MARKED "IN".
REASONS THIS REQUIREMENT SHOULD BE ELIMINATED INCLUDE:

- THERE IS NO STATISTICALLY VALID RESEARCH THAT SHOWS SUCH BIAS WOULD OCCUR. FORCING INDIVIDUALS TO ROUTINELY MARK 50+ ITEMS ON A FORM EACH INSPECTION WOULD JUST AS LIKELY PROMOTE "DRY LAB" BEHAVIOR TO JUST GET THROUGH THE FORM AND INCREASE GENERAL HUMAN ERROR. LETTING PROFESSIONALS JUST MARK THE ITEMS THAT HAVE MEANING FOR THAT INSPECTION (OUT,NA/NO) WOULD BE FAR MORE MEANINGFUL.
- THE CONSISTENT APPROACH OF CFP HAS BEEN TO STATE OUTCOMES, NOT TO PRESCRIBE SPECIFIC SOLUTIONS. THIS ALLOWS INDUSTRY TO USE AN IMPLEMENTATION SYSTEM THAT MEETS THEIR NEEDS AND FLEX THAT SYSTEM TO UTILIZE CURRENT TECHNOLOGY AND TRAINING METHODS. THAT SAME PHILOSOPHY SHOULD BE USED FOR THE REGULATORY AGENCIES. QUALITY CONTROL SYSTEM SPECIFICS OVER THE INSPECTION WRITING PROCESS SHOULD BE DETERMINED BY EACH AGENCY. FOR EXAMPLE, WITH THE INSPECTION FORM, QUALITY CONTROL CAN BE MAINTAINED THROUGH INITIAL AND ONGOING TRAINING WITH A STANDARDIZED TRAINER, SUPERVISORY REVIEW, REPORTS OF MARKING PATTERNS USED BY STAFF IF THE FORM IS MAINTAINED IN AN ELECTRONIC DATABASE, ETC.

- RESOURCE STRAPPED STATE AND LOCAL AGENCIES CANNOT AFFORD THE EXTRA TIME NEEDED TO ROUTINELY MARK "IN" ON A FORM OVER 50 TIMES PER INSPECTION. FOR EXAMPLE AT AN EXTRA 5 MINUTES PER INSPECTION TO MARK EACH OF THE ITEMS "IN", USE OF THIS FORM STATEWIDE IN MICHIGAN WOULD CAUSE A 5.4 FTE STAFF REDUCTION IN TIME (101,682 INSPECTIONS X 5 MINUTES= 508,410 MINUTES/60=8474 HOURS/1550 HOURS/FTE=5.4 FTE'S). THIS REPRESENTS A 2.2% REDUCTION IN STAFFING STATEWIDE.
- INFLEXIBLE, COMMAND AND CONTROL REQUIREMENTS SUCH AS THIS WILL BE A DETERRENT TO AGENCIES ENROLLING AND OR WORKING TO PROGRESS TO MEET THE STANDARDS.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting removal of the Audit Manual restriction that the risk-based retail inspections form fields not be pre-populated as "in."

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Attachments:
- "Michigan's form-fillable retail risk-based form"

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Conference for Food Protection
2012 Issue Form

Internal Number: 005
Issue: 2012 II-037

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
HACCP Training

Issue you would like the Conference to consider:
The 2009 FDA Food Code allows establishments to obtain variances to the Code and under certain circumstances requires those establishments to submit Hazard Analysis Critical Control Point (HACCP) plans to the regulatory authority.
The preface to the 2009 Code states "Retail processors may be given the same opportunity as federally-regulated establishments to use innovative techniques in the production of safe foods. Retail establishments may apply to the regulatory authority for a variance to use a specific federal food safety performance standard for a product or a process in lieu of compliance with otherwise applicable specifications in the Food Code. However, to show compliance with the federal performance standard, the retail processor must, like a federally inspected establishment, show that processing controls are in place to ensure that the standard is being met. Thus, a request for a variance based on a federal performance standard must be supported by a validated HACCP plan with record-keeping and documented verification being made available to the regulatory authority."
However, in establishments that operate under federally mandated HACCP plans, the regulations that require the HACCP plan also require TRAINING. Retail establishments, operating under the food code, may attempt to submit a HACCP plan as part of a variance application; however, the Food Code contains no specific HACCP training requirement.
The current language in Section 2-102.11 of the Food Code, dealing with the Person in Charge (PIC) being able to demonstrate application of the HACCP principles, simply is not sufficient to prepare an individual to perform a hazard analysis, prepare a HACCP plan, or successfully implement a HACCP program.

Public Health Significance:
The Food Code allows regulatory authorities to grant variances to the Code and then requires the establishment to operate in a HACCP environment. The production of safe food cannot be assured if the operator does not understand the program.
The fact that a variance has been required shows that the process being used has more risk (because it would not be allowed without the special permission of a variance). When the HACCP plan is improperly followed, unsafe food may be the result.

Taking the logical step of requiring the operator to be trained in the food safety system that is being used at the establishment will help mitigate the risk of foodborne illness due to system failure.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the agency to:

- Establish a HACCP Curriculum based on the 7 principles of Hazard Analysis and Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods. ***or***
- Designate a national organization to establish the above curriculum, and
- amend the 2009 Food Code (as modified by the Supplement issued in 2011) as follows (new language shown with underline):

Section 2-102.30 Persons engaged in HACCP Plan Development and Application
A person responsible for developing a hazard analysis and HACCP plan and reviewing the HACCP records, must have successfully completed training in the application of HACCP principles.

Submitter Information:

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Conference for Food Protection
2012 Issue Form

Internal Number: 070
Issue: 2012 II-038

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Support and Funding for Consumer Participation at the CFP

Issue you would like the Conference to consider:
The Conference for Food Protection plays an integral role in the development of the FDA Food Code. The cooperation and input of various stakeholders - including consumer, industry, and regulatory representatives - is crucial to the development of the Food Code, an important public health guidance document. Currently, consumer participation in the Conference is anemic, in part because of the financial cost of attending the Biennial Meeting. Consumer advocates represent customers at Food Code-regulated establishments and victims of foodborne illness, all of whom have an important stake in the decisions that are made at the Biennial Meeting. It is well-recognized that the input of these stakeholders is crucial to the development of sound public health policy, yet the current makeup of the Biennial Meeting does not reflect that contribution. Financial barriers to consumer participation must be recognized and mitigated. Without adequate consumer participation, both the credibility and the substance of the Food Code suffer.

Public Health Significance:
Consumer organizations can provide critical insight into consumer attitudes, beliefs, and interests, and are active participants in public policy and regulatory matters before federal, state, and local governments, and have made a significant impact in improving food safety.

Recommended Solution: The Conference recommends...:
That the Executive Board of the Conference for Food Protection, consider, approve, and manage a program to provide double-blind participant scholarships (created from industry and regulatory sources) to provide funding for consumer participants at CFP. A subcommittee of the Executive Board should be created to administer scholarships, with an organizing document that places paramount importance on increasing consumer representation to CFP. A minimum number of scholarships should be created for the next Biennial Meeting, with a goal toward increasing consumer participation each cycle. Scholarships should be adequate to cover the cost of transportation to and from the meeting, conference registration fees, lodging, and meals. Consumer representatives should be required to submit relevant 501-C3 status documentation, a statement of the

primary sources of organizational funding, and a mission statement to be eligible for a scholarship.

Submitter Information:
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Conference for Food Protection
2012 Issue Form

Internal Number: 072
Issue: 2012 III-001

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Report - Hand Hygiene Committee

Issue you would like the Conference to consider:
At the 2010 Conference for Food Protection Biennial Meeting, the Hand Hygiene Committee was formed and charged "to address:

1. the efficacy/risk reduction strategies of alternative hand hygiene regimes compared to handwashing with respect to foodborne pathogens including viruses,
2. identify settings where alternatives to handwashing are appropriate,
3. recommend studies that should be completed to get research questions answered for when scientific literature is not available, and
4. report back to the 2012 Conference."

The 2010-2012 Hand Hygiene Committee is submitting four issues to the 2012 Conference for Food Protection:

1. Report - Hand Hygiene Committee
2. Disseminate the 2010-2012 Hand Hygiene Committee Report
3. Re-Create - Hand Hygiene Committee
4. Limit Hand Hygiene Committee Size

Public Health Significance:
The main purpose of washing hands is to cleanse the hands of soil, pathogens and chemicals that can potentially cause disease. Transmission of pathogenic bacteria, viruses and parasites to food from contaminated surfaces, raw food or ill workers by way of improperly washed hands continues to be a major factor in the spread of foodborne illnesses.

Recommended Solution: The Conference recommends...:

- acknowledgement of the 2010-12 Hand Hygiene Committee report, and
- thanking the 2010-2012 Hand Hygiene Committee for its work addressing scientific, regulatory and behavioral considerations related to efficacy and risk reduction strategies of alternative hand hygiene regimes compared to handwashing.

The future of the Hand Hygiene Committee is submitted as a separate Issue.

Submitter Information:

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Attachments:

- "2010-12 Hand Hygiene Committee Final Report"
- "Scientific Regulatory and Behavioral Considerations of Hand Hygiene Regimes"
- "2010-12 Hand Hygiene Committee Roster"

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Conference for Food Protection
2012 Issue Form

Internal Number: 075
Issue: 2012 III-002

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Disseminate the Outcome of 2010-2012 Hand Hygiene Committee

Issue you would like the Conference to consider:
The 2010-2012 Hand Hygiene Committee submits "Scientific, Regulatory and Behavioral Considerations of Hand Hygiene Regimes." This was extracted from the 2010-2012 Hand Hygiene Committee Report, modified and formatted for publication in a peer reviewed journal and for potential posting on the CFP website after publication. Authors include Chairs and Co-chairs of the 2010-2012 Hand Hygiene Sub-committees, and the acknowledgement section recognizes committee members.

Public Health Significance:
The main purpose of washing hands is to cleanse the hands of soil, pathogens and chemicals that can potentially cause disease. Transmission of pathogenic bacteria, viruses and parasites to food from contaminated surfaces, raw food or ill workers by way of improperly washed hands continues to be a major factor in the spread of foodborne illnesses.

Effective decision-making on appropriate approaches for removal or reduction of potential pathogens from hands involves consideration of the scientific aspects on what can be achieved, regulatory aspects of approaches that are approved for use, and behavioral aspects of approaches that will be implemented by food handlers. Concise information on each of these elements is not currently available in one document, thus broad dissemination of such information would enable all stake holders to make better informed decisions on hand hygiene approaches, as well as identifying areas where research is needed.

The 2010-2012 Hand Hygiene Committee also believes that listing the Committee as a co-author would make a broader audience aware of the collaborative nature of the work of the Conference for Food Protection, potentially recruiting more food safety professionals to become involved in CFP work to enhance public health.

Recommended Solution: The Conference recommends...:
Approval of the document generated by the Committee titled: *Scientific Regulatory and Behavioral Considerations of Hand Hygiene Regimes,* and*:*

- Submission to a peer reviewed journal, with the 2010-2012 Hand Hygiene Committee listed as a co-author, to make a broader audience aware of the collaborative nature of the work of the Conference for Food Protection.
- Posting the document on the CFP website as an educational tool that illustrates the interaction of scientific, regulatory and behavioral considerations related to alternative hand hygiene regimes compared to handwashing with respect to foodborne pathogens including viruses. When and if the document is accepted in a peer reviewed journal, request to replace the current document with the peer reviewed version.

Attachments:

See *Report* - (document attached to Issue titled: ***Report - Hand Hygiene Committee***, as Attachment #2)

Submitter Information:

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Conference for Food Protection
2012 Issue Form

Internal Number: 007
Issue: 2012 III-003

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Clarification of Section 3-301.11(D) Preventing Contamination from Hands.

Issue you would like the Conference to consider:
Allow an exception for bare hand contact with ready-to-eat foods immediately before the food is heated as a sole ingredient to a temperature of at least 63°C (145°F). Also, change the current exception for bare hand contact with ready-to-eat food as the ready-to-eat food is being added to another ready-to-eat food to require a kill step temperature of 63°C (145°F).

Public Health Significance:
The 20011 Supplement to the 2009 FDA Food Code added language with the specific intent to allow pizza operators to have bare hand contact with ready-to-eat (RTE) pizza toppings placed on a pizza prior to cooking. Commercially prepared pizzas are heat treated to approximately 165°F -170°F - which is at or slightly above minimum cook temperatures required in paragraphs 3-401.11(A)-(B) or section 3-401.12.

When this additional language was added, there was no intention to create an additional minimum time/temperature cooking parameter or alter the minimum time/temperature parameters for cooking raw animal foods. However, since the Food Code only addressed heat treatment of RTE food in two situations - cooking plant food for hot holding and reheating food for hot holding - the creation of an additional time/temperature cooking parameter to address the added risk of bare hand contact with RTE foods not added to raw animal foods was unavoidable.

If there is scientific importance that makes it necessary to heat RTE ingredients touched by bare hands to 165°F, then all RTE ingredients touched by bare hands should be heated to this same temperature. Otherwise, the RTE ingredients added to food that is not a raw animal product should only be required to be heated to the lowest minimum time/temperature cooking requirement present in paragraph 3-401.11(A)(1) (145°F for 15 seconds).

Additionally, heat treatment of RTE foods that have had bare hand contact are only addressed when the RTE food is added as an ingredient - not when it is simply touched prior to heating on its own (e.g., a washed raw potato placed on a baking sheet). This is an oversight that should be addressed. Allowing bare hand contact with RTE foods heated only immediately prior to heating will ensure the touched food item will not mistakenly be

included in some other menu item that is not subsequently heat treated. Also, restricting the bare hand contact to immediately before heating will reduce the likelihood of the production of Staphylococcus aureau enterotoins due to bare hand contact.
Annex 3 - 3-401.13 and 3-301.11 suggest that RTE foods cooked to the minimum time/temperature required by the Food Code, in combination with proper handwashing and adherence to employee health requirements, provides an adequate means of interrupting disease transmission - whether added as an ingredient or heated alone. There is no indication that bare hand contact with RTE food that will not be added to raw animal food poses a greater risk and therefore requires a higher level of heat treatment than RTE foods added to raw animal foods.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011), Section 3-301.11(D), be amended as follows (new language shown with underline):
(D) *Paragraph (B) of this section does not apply to a food employee that contacts exposed, ready-to-eat food with bare hands:*
(1) Immediately prior to heating the ready-to-eat food to a temperature of at least 63ºC (145ºF) if heated as a sole ingredient; or
(2) At the time the ready-to-eat food is being added as an ingredient to a food that:
(a) C*ontains a raw animal food and is to be cooked in the food establishment to heat all parts of the food to the minimum temperatures specified in ¶3-401.11(A)-(B) or §3-401.12; or*
(b) Does not contain a raw animal food but is to be cooked in the food establishment to heat all parts of the food to a temperature of at least 63ºC (145ºF).

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Conference for Food Protection
2012 Issue Form

Internal Number: 101
Issue: 2012 III-004

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Double glove use or glove changing in relation to handwashing

Issue you would like the Conference to consider:
The conditions under which double gloving or glove changing without handwashing would be allowed/acceptable to ensure proper food handling.
Due to current wording and/or interpretations of the 2009 FDA Food Code, the determination has been verbally made that double gloving is allowed even between raw food handling and ready to eat food handling, with handwashing only required when glove in direct contact with hand is removed. (Note: This verbal interpretation was offered by FDA staff members and State of Wisconsin Department of Agriculture, Trade and Consumer Protection (retail establishment regulations) at a HACCP related training opportunity in 2010.)
Confusion regarding proper procedure for double gloving is based on two factors -- the inclusion of single use glove (a type of utensil in the Food Code definitions) and ambiguity in the "When to Wash" procedures in Food Code Section 2-301.14. Currently, 2-301.14 states "before putting on gloves" and "after engaging in other activities that contaminate the hands", but does not specifically state handwashing is required between each new pair of gloves.
There are two established scenarios where a food employee can change gloves without handwashing:

- Working with same type of food product (e.g., ready to eat product, then another ready to eat product) -- For example, making a cold cut sandwich then donning new glove to make a chef salad
- Working with multiple foods, but handling them in an order that will prevent cross contamination based on proper cook temperatures (e.g., moving from ready to eat product to raw product) -- For example, making a lettuce salad with a glove on, then donning new glove to work with raw beef. Handwashing would not be required whether or not an additional glove was used or original glove removed.

However, during inspections at several national franchises in the past several years, the following scenario has been observed:
Step 1: Employee wears glove when making a ready to eat chef salad
Step 2: Employee then uses same glove, or another glove on top of the first glove, to handle raw meat (burger, for example)

Step 3: Employee immediately goes back to handling ready to eat food (assembles burger items-bun, condiments, lettuce, cooked foods, etc) and has done one of the following:

- If only one glove was worn for step 1 and 2, employee removes glove and dons a new glove WITHOUT HANDWASHING
- If glove worn in Step 1, then additional top glove put on for Step 2, employee removes top glove only. Bottom original glove remains on and employee continues ready to eat food handling WITHOUT HANDWASHING

Many believe that at Step 3, all glove(s) are to be removed and hands are to be washed prior to resuming ready to eat food handling. Without specific Food Code clarification, unfortunately, the issue is susceptible to misinterpretation.

It has been explained that the additional glove is a utensil, that if you put on and take off the glove "properly" there's no risk, etc. In these situations, in Wisconsin, establishments are told to seek a variance for this type of procedure.

Is there a risk from improper glove changing and lack of handwashing in the situations noted above? Are we assuming too much if we believe that gloves are impermeable without the potential for "leak contamination"? Are we also allowing a risk during removal and redonning of gloves if handwashing is not done after possible contamination (dirty surfaces, raw food handling, etc.) According to the attached article from Food Safety Magazine, the frequency at which gloves are breached during in-use procedures was 56% of vinyl and 19% of NRL leaked post-procedure (see highlighted areas in attached article).

Public Health Significance:

Improper glove use and improper handwashing contribute to contamination of food. Because of this, cross contamination from hands from primarily fecal-oral pathogens and cross contamination from foodborne pathogens (including those with low infective doses such as Enteropathogenic E. Coli*, Campylobacter jejuni, Staphylococcus aureus, Shigella,* and others based on high risk population susceptibility) remains viable during improper food handling.

Recommended Solution: The Conference recommends...:

That the following charges be assigned to a re-created Hand Hygiene Committee:

- Determine if/when double gloving procedures would be acceptable without handwashing. If so, what would those acceptable procedures be?
- What glove criteria or standards would need to be met for a glove to be considered a utensil and not require handwashing?
- The findings of the committee to be used to recommend FDA Food Code language modifications regarding glove procedures and handwashing and that these findings be presented at the 2014 Biennial Meeting.

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Attachments:

- "CFP Issue Attachment - Clean Operations"

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Conference for Food Protection
2012 Issue Form

Internal Number: 012
Issue: 2012 III-005

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Clarify when handwashing is required before donning/changing gloves

Issue you would like the Conference to consider:
Employees are required to wash their hands whenever there is a risk of cross-contamination of Ready-to-eat (RTE) foods or clean food contact surfaces/equipment. Section 2-301.14 (H) of the 2009 Food Code states that hands need to be washed "before donning gloves for working with FOOD."

The intent in the Food Code is to minimize the risk of cross-contamination of RTE foods; however, gloves may be worn for other reasons than handling RTE food and they may be changed more frequently than is necessary to prevent cross-contamination. In these situations, the need to wash hands before donning/changing gloves is not consistent with the intent of the Food Code nor does it impact public health.

Section 2-301.14 (F) of the 2009 Food Code states that hands should be washed "as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks." [Bold inserted] However, Section 2-301.14 (H) states that hands should be washed "Before donning gloves for working with food." This has been misinterpreted to mean that hands must be washed every time gloves are changed even when performing the same task.

Section 2-301.14 should allow employees to change gloves without having to wash their hands when they are: (1) performing the same task without increased risk of cross-contamination and (2) when handling raw food and not increasing the risk of cross-contamination with RTE foods or clean food contact surfaces.

Public Health Significance:
2009 Food Code Section 2-301.14 (*When to Wash)* states that food employees must wash their hands before food preparation and at other times as listed in subsections A-H, including before donning gloves. As per Annex 3 - *Public Health Reasons / Administrative Guidelines - Chapter 2, Management and Personnel,* "Handwashing is a critical factor in reducing fecal-oral pathogens that can be transmitted from hands to RTE food as well as other pathogens that can be transmitted from environmental sources." Clearly the intent is to minimize the risk of cross-contamination of ready to eat foods and food contact services.

There are many situations when an employee's activity has not changed yet gloves are changed. For example, a store policy may require that an employee change gloves

between the preparation of each customer's sandwich, even though the gloves are not contaminated and there is no increased risk of cross-contamination. However, based on Section 2-301.14, if the employee does not wash their hands between the glove changes, this would result in a critical violation although there is no public health risk. As per Section 2-301.14 (F), gloves should be changed "as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks." In the example above, the employee is not changing tasks and therefore changing gloves is optional as company policy or as consumer preference dictates, but there is not a public health basis for doing so.

The wording in Section 2-301.14 (H) states that hands should be washed "Before donning gloves for working with food." This has sometimes been interpreted to mean that hands must be washed every time gloves are changed, even if the activity has not changed or if there has been no contamination of the gloves or hands.

Furthermore, requiring that hands are washed before every glove change, even when an employee is repeating the same task, may actually serve as a deterrent to wearing or changing gloves. When employees can quickly change gloves without the additional step of handwashing when performing the same task, they are more likely to change gloves more frequently.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011), ¶ 2-301.14 (H), be amended to clarify the situations when hands shall be washed before donning gloves for working with food as follows (new language shown with underline):

(H) Before initially donning gloves for working with food,[P] and when changing tasks; [P]

AND the following language be added at the end of Annex 3, - Public Health Reasons / Administrative Guidelines - Chapter 2, Management and Personnel 2-301.14 *When to Wash:*

"Employees must wash their hands after any activity which may result in contamination of the hands. "When gloves are used to handle food, hands should be washed prior to donning gloves. If there is no change in the task being performed and there are no activities which could potentially result in cross contamination, then hands do not have to be washed between each change of gloves when performing the same task."

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Conference for Food Protection
2012 Issue Form

Internal Number: 076
Issue: 2012 III-006

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Re-create - Hand Hygiene Committee

Issue you would like the Conference to consider:
Re-creation of the Hand Hygiene Committee to more closely examine the current "Food Code" requirements for when employees are required to wash their hands using soap and running water, and potentially identify alternative approaches, where appropriate.

Public Health Significance:
The main purpose of washing hands is to cleanse the hands of soil, pathogens and chemicals that can potentially cause disease. Transmission of pathogenic bacteria, viruses and parasites to food from contaminated surfaces, raw food or ill workers by way of improperly washed hands continues to be a major factor in the spread of foodborne illnesses. The 2010-2012 Hand Hygiene Committee believes that the necessary ground work was established during its deliberations to make informed recommendations on specific situations where application of alternatives to handwashing may be appropriate to reduce public health risk.

Recommended Solution: The Conference recommends...:
1. Re-creation of the Hand Hygiene Committee to:
   - More closely examine the current Food Code requirements for when employees are required to wash their hands using soap and running water.
   - If credible research suggests that one or more of the situations under which food employees are currently required to wash their hands does not result in meaningful risk reduction, work with FDA to explore whether those mandates could be modified, either in the Code itself or by recognizing when it is appropriate to waive the requirement (e.g., other approaches to hand hygiene are available and practiced).

2. The re-created committee uses the report of the 2010-2012 committee as a reference, illustrating the interactions of scientific, regulatory and behavioral considerations related to alternative hand hygiene regimes compared to handwashing. The committee should characterize what recent research tells us about:
   - the extent to which the current minimum requirements for how and when employees are to wash their hands are effective in rendering food employees hands free of various soils, as well as, any pathogens of concern;

- what other regimens for cleansing employees hands, if any, may deliver outcomes that are similar to or better than handwashing so as to suggest that they could be included as acceptable methods for rendering hands free of soil and pathogens.

3. The committee report back its findings to the 2014 Biennial Meeting.

Attachments:

See *Report - Hand Hygiene Committee*, Attachment #1 titled *2010-2012 Hand Hygiene Committee Final Report*

Submitter Information:

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Conference for Food Protection
2012 Issue Form

Internal Number: 050
Issue: 2012 III-007

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Rationale for 100 degree F. hot water at hand sink.

Issue you would like the Conference to consider:
There is currently no scientific research that shows hand washing is more effective at removing pathogens when warm water is used as compared to cold water usage. The FDA Food Code currently requires 100º F water at the hand sink. At the 2010 CFP Biennial Meeting, the Conference recommended changing the water temp at hand sinks to 85º F; however, this was not adopted when FDA issued the Supplement to the 2009 Food Code. Is there research or a scientific basis for requiring 100º F water at the hand sink? If not, will the FDA sponsor, support or encourage research to validate the best handwashing water temperature?

Public Health Significance:
Proper handwashing is one of the three pillars for preventing foodborne illness transmitted by food handlers. The objective of water temperature needs to focus on what will encourage and promote more routine and frequent handwashing. Currently, we justify the water temperature requirement based mostly on soft science:

1. Warm water is more conducive to encourage employee hand washing;
2. Warm water is more effective at removing soils in the food environment;
3. ASTM standards require 100-108º F water for testing soap formulation's efficacy.

Is there any research available to justify 100º F water at hand sinks? In fact, the only research we are currently aware of shows just the opposite. Research by Michaels and Paulsen (attached) came to the conclusion that, "*The initial experiment involved testing with bland non-antimicrobial soap at 5 temperatures from 4.4°C (40°F) to 49°C (120°F). Independent of soil or bacterial type (resident or transient) there was no significant difference in efficacy attributed to water temperature.*"

Studies designed to determine the best temperature for handwashing could put to rest the current confusion and debates as to what water temperature should be available at a handsink for hand washing.

Recommended Solution: The Conference recommends...:
that a letter be sent to FDA requesting that they support and/or fund scientific research that would justify the appropriate water temperature for handwashing at a hand sink.

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Attachments:

- "Handwashing Water Temperature Effects on the Reduction of Resident and ..."

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Conference for Food Protection
2012 Issue Form

Internal Number: 098
Issue: 2012 III-008

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Addressing Nontyphoidal Salmonella in the FDA Food Code

Issue you would like the Conference to consider:
Amend the 2009 FDA Food Code to add nontyphoidal *Salmonella* as one of the reportable illnesses for action by the Person in Charge, add Code language to address employee health controls for the exclusion and restriction of nontyphoidal *Salmonella,* and remove exclusion and restriction language in all applicable Code Sections.

Public Health Significance:
Nontyphoidal *Salmonella* (NTS) *enterica* serotypes are among the most common and important foodborne pathogens. NTS are estimated to cause more than one million domestically acquired foodborne illnesses in the United States each year (Scallan et. al. 2011), and are the leading cause of hospitalizations and deaths due to foodborne illness in the United States (Barton-Behravesh et al. 2011, CDC 2011). Whereas reductions in incidence have been achieved for many other foodborne pathogens in recent years, no significant change in incidence of NTS infections has occurred since the start of FoodNet surveillance during 1996-1998 (CDC 2011). Therefore, further interventions are needed to reduce the incidence of NTS infections.

Commercial food establishments are an important setting for the transmission of NTS, both in the form of recognized foodborne disease outbreaks as well as sporadic infections. During 1998 to 2002, the 585 *Salmonella enterica* outbreaks reported to the Centers for Disease Control and Prevention accounted for 49% of all bacterial outbreaks (Lynch et al. 2006). Fifty-three percent of *Salmonella* outbreaks occurred in commercial food establishments, the most common setting for *Salmonella* outbreaks (Lynch et al. 2006). Outbreaks of salmonellosis at commercial food establishments frequently involve direct transmission to patrons from fresh produce or undercooked foods of animal origin, or cross contamination from these foods. However, numerous NTS outbreak investigations have implicated food workers as the source of the outbreak or strongly suggested transmission from food workers (Ethelberg et al. 2004; Greig et al. 2007; Hedberg et. al. 1991; Hedican et al. 2009; Hundy and Cameron 2002; Khuri-Bulos et al. 1994; Maguire et al. 2000; Medus et al. 2006; Todd et al 2007a, 2007b).

In a study of restaurant-associated salmonellosis outbreaks in Minnesota published by Medus et al. (2006), the importance of infected food workers as a source of contamination

in the outbreaks was supported by several observations. First, a specific food vehicle was statistically implicated or suspected in a low proportion of the restaurant outbreaks (39%), which suggests that the specific food items or food handling errors were not the primary causes for these outbreaks. Second, food workers infected with NTS were identified in the majority (83%) of the outbreak investigations. Overall, 12% of the food workers tested positive for NTS. Infected food workers who reported a history of illness shed NTS in the stool for a median of 1 month. The authors concluded that regardless of the original source of a *Salmonella* outbreak in a restaurant (e.g., raw meat or eggs), the initial source of a salmonellosis outbreak, food workers frequently serve as reservoirs for NTS and contribute to transmission to patrons. Thus, assessment of food worker history, i.e. symptoms and exposures, stool samples and exclusion or restriction of infected food workers from the food establishment are essential for controlling restaurant-associated outbreaks of salmonellosis.

In a study of food workers with salmonellosis who were detected through routine surveillance (Medus et al. 2010), 2.2% of identified culture-confirmed *Salmonella* cases were food workers, and identification of these cases were critical to the identification of numerous outbreaks. The authors concluded that the rapid identification and follow-up of food workers among reported cases of salmonellosis is important to the early detection and control of outbreaks in restaurant settings. Importantly, even hostesses, servers, bartenders, and others who theoretically have limited food preparation duties can serve as sentinels of transmission within the restaurant. The authors also stated that food workers should be considered an important source of *Salmonella* transmission, and those identified through surveillance should raise a high index of suspicion of a possible outbreak at their place of work. Food service managers need to be alert to *Salmonella*-like illnesses among food workers to facilitate prevention and control efforts, including exclusion of infected food workers or restriction of their duties.

The Food and Drug Administration's Food Code does not currently exclude or restrict food workers with a NTS infection (US FDA 2009). Restriction of food workers infected with NTS after resolution of symptoms is not a national standard. However, because of the prolonged duration of shedding of NTS, evidence that food workers have been the source of foodborne outbreaks, evidence that food workers work while ill (Green et al. 2005), and evidence of inadequate hand hygiene practices (Green et al. 2006; US FDA 2004), exclusion or restriction of infected food worker duties is a reasonable public health measure. At a minimum, potential for transmission and how to prevent it should be discussed with the food worker and their manager.

The biology of NTS and the epidemiology of salmonellosis are complex; food workers may be an underappreciated part of that complexity. In order to decrease the incidence of NTS infections in the United States, commercial food establishments should also be targets for more focused prevention measures, and prevention and control efforts should consider food workers as an important source of NTS transmission.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows:

1. Include illness due to nontyphoidal *Salmonella* (NTS) as an illness that upon diagnosis by a health practitioner:

- Requires food employees to report the diagnosis and any symptoms associated with NTS to the Person in Charge;
- Prompts the Person in Charge to exclude a food employee with symptoms and a diagnosis of NTS until asymptomatic for at least 24 hours; and
- Prompts the Person in Charge to restrict a NTS-diagnosed food employee whose symptoms have resolved for at least 30 days from the date of onset of those symptoms;

2. Develop language in the appropriate sections of Food Code, Chapter 2 that addresses the conditions for exclusion and restriction and reinstatement following exclusion and restriction as stated above.

3. Add language to the public health reasons in Annex 3 contained in Attachment A titled, "Addressing Nontyphoidal Salmonella in the FDA Food Code (new language has been underlined), including associated changes in the Part 2-2 Employee Health Tables (not shown).

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Attachments:

- "Attachment A: Proposed changes to Food Code Annex 3, Public Health Reason"
- "Attachment B: Addressing NT Salmonella.Article1"
- "Attachment C: Addressing NT Salmonella.Article2.Abstract"
- "Attachment D: Addressing NT Salmonella - References"

Conference for Food Protection
2012 Issue Form

Internal Number: 043
Issue: 2012 III-009

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Report - ROP Committee (ROP 1)

Issue you would like the Conference to consider:
At the 2010 Conference for Food Protection, two issues regarding reduced oxygen packaging resulted in the formation of a CFP committee. That committee was charged with:
1.) create a guidance document detailing the scientific evidence of ROP HACCP controls and preventive measures and provide implementation suggestions
2.) recommend clarifications to the Food Code based on charge one
3.) report back to the Conference in 2012
The Reduced Oxygen Packaging (ROP) Committee requests acknowledgement of their final report including attachments, acknowledgement of the committee members for their hard work, and requests disbanding the committee.

Public Health Significance:
ROP offers unique advantages and opportunities for the food industry but also raises several microbiological and potential foodborne illness concerns. Products packaged using ROP may be produced safely if proper scientifically validated controls are in effect. Updates and clarifications of Food Code requirements and public health reasons are essential to ensure proper safeguards and to avoid unproductive confusion for inspectors and operators.

Recommended Solution: The Conference recommends...:
acknowledgment of the 2010-12 Reduced Oxygen Packaging Committee Report, with thanks to the members of the Committee for completing their task, and disbanding the committee.

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Attachments:

- "Committee Roster"
- "Report - ROP Committee -new"
- "Supporting information -new"

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Conference for Food Protection
2012 Issue Form

Internal Number: 077
Issue: 2012 III-010

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
ROP 2: Definitions for Reduced Oxygen Packaging

Issue you would like the Conference to consider:
The 2010-2012 Reduced Oxygen Packaging (ROP) Committee examined the definitions of ROP provided in the Food Code (Chapter 1 - Purpose and Definitions) and concluded that the definitions of sous vide packaging needed to be harmonized with both the Food Code (Annex 6 - Food Processing Criteria) and with the accepted understanding of the ROP process. It was also felt by the Committee, that a statement of what is excluded from ROP could be useful for inspectors and operators. There is some confusion of what constitutes ROP and the exclusionary language proposed will address that confusion. Finally, the Committee thought that several changes to the definitions in Annex 6 - Food Processing Criteria also warranted some edits to improve the clarity of the definitions and make sure that the language of the annex was aligned with the Food Code itself.

Public Health Significance:
ROP offers unique advantages and opportunities for the food industry but also raises several microbiological and potential foodborne illness concerns. Products packaged using ROP may be produced safely if proper scientifically validated controls are in effect. Updates and clarifications of Food Code requirements and public health reasons are essential to ensure proper safeguards and to avoid unproductive confusion for inspectors and operators. Recommended changes are suggested to the most current Food Code 1-201.10. Iitems 1, 3 and 4 below are simply clarifications to exisiting defintions.
The Committee also recommended the addition of a new paragraph (item 2 below) to the most current Food Code section 1-201.12. This defintion was needed to define what is excluded from ROP. This includes short term storage of food products held in cold storage temperatures of 41°F or below in oxygen barrier bags for less than 48 hours as it does not allow sufficient time for the production of *Clostridium botulinum* toxin nor the rapid and progressive growth of *Listeria monocytogenes*. The current Food Code allows up to 48 hours to cool product from 41° F to 34° F for reduced oxygen packaging. As long as product is stored below 41° F no regulatory action would be taken on this product until the product reached the end of the 48 hour time period. The 48 hour time frame is validated by numerous studies reviewed by the CFP's ROP committee. The Skinner-Larkin model for pathogen growth (see Appendix 4 in the ROP issue report) shows that the 48 hour time

frame is a conservative estimate and *C. botulinum* and *L. monocytogenes* would take far longer to produce toxin or grow to dangerous levels.
Additional rationale for the recommended changes is included in the Table 1 Summary of Food Code and Annex changes proposed by the 2010-2012 ROP Committee. That table is included in the 2010-2012 Reduced Oxygen Packaging Committee Final Report as Appendix 1.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (using underlining for additions and strike through for language elimination):
1) Modify language in Section 1-201.10(B) Reduced Oxygen Packaging (2) (e) to read:
Sous vide PACKAGING, in which raw or partially cooked FOOD is ~~placed in a hermetically sealed impermeable bag~~ vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.
2) Add a new subparagraph (3) to Section 1-201.10(B) Reduced Oxygen Packaging with exclusionary language to read:
Section 1-201.10(B) (3) Reduced Oxygen Packaging does not include:
a) Placing product in a bag and sealing it immediately prior to or after, cooking, cooling or reheating the product as long as the product is:
i. Labeled with the time and date the product is placed in the bag; Pf
ii. Removed from the bag within 48 hours of the time product is placed in the bag; P
3) Modify language on page 572 in Annex 6 Food Processing Criteria, Section 2 Reduced Oxygen Packaging, paragraph (B) Definitions, subparagraph (1) to read:
Cook-chill is a process that uses a plastic bag filled with hot cooked food from which air has been expelled and which is sealed, or closed with a plastic or metal crimp.
4) Modify language on page 573 in Annex 6 Food Processing Criteria, Section 2 Reduced Oxygen Packaging, paragraph (B) Definitions, subparagraph (5) to read:
Vacuum Packaging reduces the amount of air from a package and hermetically seals the package so that a ~~near perfect~~ vacuum remains inside. A common variation of the process is Vacuum Skin Packaging (VSP). A highly flexible plastic barrier is used by this technology that allows the package to mold itself to the contours of the food being packaged.

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Conference for Food Protection
2012 Issue Form

Internal Number: 104
Issue: 2012 III-011

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
ROP 3: Sous Vide - Cook Chill Time and Temperature Control

Issue you would like the Conference to consider:
The Reduced Oxygen Packaging (ROP) Committee reviewed the cook chill/sous vide time temperature parameters listed in Section 3-502.12 (D) of the 2009 Food Code relating to conducting ROP for these processes without a variance. The Committee recommends stating that Section 3-502.12 (D) pertains to only 'POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROLLED FOR SAFETY FOOD).' This would help align it with Sections 3-502.12 (A) and (B)

The Committee also recommends requiring that food be cooked to a temperature listed in Section 3-401.11 (A) and (B) of the 2009 Food Code. Right now Subparagraph 3-502.11 (D)(2)(b) references all four paragraphs of Section 3-401.11. Since paragraphs (C) and (D) in Section 3-401.11 refer to raw or undercooked products, these would not be acceptable cook temperatures.

The main changes the Committee recommends for Cook Chill and Sous Vide fall under Subparagraph 3-502.12(e) of the 2009 Food Code. There is no recommended change to Subparagraph (i) or the current (iv). We do recommend changing Subparagraph (ii). This paragraph currently requires that product be cooled to 34° F within 48 hours and then it can be held for up to 72 hours at 41° F. The Committee recommends allowing storage for up to 7 days at 41° F for product which has been properly cooled within the 6 hour timeframe as outlined in Section 3-501.14 of the 2009 Food Code. Research by Skinner and Larkin and listed in the *'Supplemental Information'* attachment to the 2012 CFP issue '*Report - ROP Committee'* shows that there is no significant change in pathogen growth between these two procedures.

Public Health Significance:
The objective of this issue is to clarify what controls are necessary to ensure the safety of food products packaged using Sous Vide or Cook Chill technologies.

Proposed ROP Committee changes to Section 3-502.12 (D) of the 2009 Food Code limits the following subparagraphs of this section to only potentially hazardous foods (PHF) (time / temperature controlled for safety (TCS) foods). Obviously, if a food is non-PHF (non-TCS), it will not support the growth of pathogens and therefore should not be subject to either variance or ROP provisions of the Food Code.

The change to the 2009 Food Code's Subparagraph 3-502.12 (D)(2)(b) limits items which can be packaged using Sous Vide or Cook Chill technologies to only those foods which are fully cooked. Undercooked, partially cooked or raw foods cannot be safely prepared using sous vide or cook chill technologies so these paragraphs are eliminated and only the paragraphs that provide appropriate thermal lethality are included in this reference, i.e., Sections 3-401.11 (A) and (B).

The change to Subparagraph 3-502.12 (D)(2)(e)(ii) of the 2009 Food Code is driven by conservative science which shows that there is no growth of Clostridium botulinum during the first seven days of storage at 41° F or less. This change is based upon research by Skinner and Larkin which can be found in the *'Supplemental Information'* attachment to the 2012 CFP issue entitled *Report - ROP Committee (ROP 1)*. Additionally, Listeria monocytogenes growth is prevented since this pathogen would have been eliminated through the cook step during the sous vide or cook chill process. All other pathogen growth is controlled by storage at temperatures at or below 41° F.

The change to Subparagraph 3-502.12 (D)(2)(e)(iii) of the 2009 Food Code is driven by the original wording now being obsolete and being covered by the change which was made to Subparagraph 3-502.12 (D)(2)(e)(ii) of the 2009 Food Code. The Skinner Larkin model clearly shows that there is no C. botulinum growth during the 7 days after product is cooked and cooled.

Additional changes are recommended in 2012 CFP issue entitled *ROP 6: Updates to Food Code Annexes 2 and 3,* as follows:

1. Changes to the Public Health Reasons, Annex 3 of the 2009 Food Code, which will explain the rationale for these changes; and
2. References included in the 'Supplemental Information' attached to the Committee's report also be included into Annex 2 of the 2009 Food Code.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (using underlining for additions and strike through for language elimination):

Cook-Chill or Sous Vide

Section 3-502.12 (D) Except as specified under ¶ (C) of this section, a FOOD ESTABLISHMENT that PACKAGES <u>POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD)</u> FOOD using a cook-chill or sous vide process shall:

(1) Implement a HACCP PLAN that contains the information as specified under ¶ 8-201.14(D); Pf

(2) Ensure the FOOD is:

(a) Prepared and consumed on the PREMISES, or prepared and consumed off the PREMISES but within the same business entity with no distribution or sale of the PACKAGED product to another business entity or the CONSUMER, Pf

(b) Cooked to heat all parts of the FOOD to a temperature and for a time as specified under § 3-401.11 <u>(A and B)</u>, P

(c) Protected from contamination before and after cooking as specified under Parts 3-3 and 3-4, P

(d) Placed in a PACKAGE with an oxygen barrier and sealed before cooking, or placed in a PACKAGE and sealed immediately after cooking and before reaching a temperature below 57°C (135°F), P

(e) Cooled to 5°C (41°F) in the sealed PACKAGE or bag as specified under § 3- 501.14 and ~~subsequently~~: P

(i) *Cooled to 1°C (34°F) within 48 hours of reaching 5°C (41°F) and held at that temperature until consumed or discarded within 30 days after the date of PACKAGING*;P

(ii) ~~*Cooled to 1°C (34°F) within 48 hours of reaching 5°C (41°F), removed from refrigeration equipment that maintains a 1°C (34°F) food temperature and then*~~ *held at 5°C (41°F) or less for no more than ~~72 hours~~* 7 days*, at which time the FOOD must be consumed or discarded*; P

This issue recommends no additional changes to remainder of Section 3-502.12 (D).

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Conference for Food Protection
2012 Issue Form

Internal Number: 105
Issue: 2012 III-012

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
ROP 4: Sous Vide and Cook Chill, pH and Temperature Control

Issue you would like the Conference to consider:
The Reduced Oxygen Packaging (ROP) Committee recommends changing the requirement to obtain a variance when an acidifying agent is used as a method of food preservation so long as the equilibrium pH of the final product is 5.0 or below which is checked using a pH meter and is held at 41° F or below for no more than 30 days.
The ROP Committee asks that the Council and CFP delegates recognize that products with a pH lower than 5.0 and held at 41° F or below controls pathogen growth and allows products to be held safely for up to 30 days.

Public Health Significance:
The change to Subparagraph 3-502.12 (D)(2)(e)(iii) of the 2009 Food Code is driven by 2 factors. First, the original wording is now obsolete and is covered by the recommended change to Subparagraph 3-502.12 (D)(2)(e)(ii) of the 2009 Food Code as requested in 2012 CFP Issue titled: *ROP 3: Sous Vide- Cook Chill Time and Temperature Control.*
The new wording is based upon research which shows that *C. botulinum* and *L. monocytogenes* cannot grow if a food has a pH below 5.0 and a temperature below 41° F. The growth of *L. monocytogenes* and other pathogens are also controlled by the same factors as listed for Subparagraph 3-502.12 (D)(2)(e)(ii) of the 2009 Food Code
Monitoring of pH as a control for pathogens *C. botulinum* and *L. monocytogenes* is important to the safety of the product to ensure that the proper food product pH is consistently maintained.
2012 CFP issue entitled *ROP 6: Updates to Food Code Annexes 2 and 3* is recommending:

1. Changes to the Public Health Reasons, Annex 3 of the 2009 Food Code, which will explain the rationale for these changes; and
2. References included in the '*Supplemental Information'* attached to the Committee's report also be included into Annex 2 of the 2009 Food Code.

Paragraph 3-502.11 (C) of the 2009 Food Code will now allow ROP processes to add an acidifying agent to reduce pH to below 5.0 so that product may be held at below 41° F for up to 30 days. Research has shown that this yields an acceptable method with a built in safety margin to allow ROP processes without the need for going through the variance process. Health Canada uses this pH and temperature combination to ensure safe

production of foods and control of *L. monocytogenes* and *C. botulinum.* Additionally, psychrophilic *C. botulinum* has a pH growth limit at 5.0 at ALL temperatures and *L. monocytogenes* has a pH growth limit of 4.4 at ALL temperatures and a pH growth limit at 5.0 at refrigeration temperatures (41F). The '*Supplemental Information'* attached to the 2012 CFP issue entitled *Report - ROP Committee* includes additional research to support the Committee's recommendation.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (using underlining for additions and strike through for language elimination):

1) The following exclusionary language be added to the end of Subparagraph 3-502.11 (C)

3-502.11 Variance Requirement.

A FOOD ESTABLISHMENT shall obtain a VARIANCE from the REGULATORY AUTHORITY as specified in § 8-103.10 and under § 8-103.11 before: Pf

(A) Smoking FOOD as a method of FOOD preservation rather than as a method of flavor enhancement; Pf

(B) Curing FOOD; Pf

(C) Using FOOD ADDITIVES or adding components such as vinegar, except as specified in 3-502.12 (D)(2)(e)(iii): Pf

(1) As a method of FOOD preservation rather than as a method of flavor enhancement, Pf or

(2) To render a FOOD so that it is not POTENTIALLY HAZARDOUS (TIME/TEMPERATURE CONTROL OF SAFETY FOOD); Pf

2) That a new paragraph (d) be added Section 3-502.12 (B)(5)

3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria.

(B) A FOOD ESTABLISHMENT that PACKAGES POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) using a REDUCED OXYGEN PACKAGING method shall have a HACCP PLAN that contains the information specified under ¶ 8-201.14(D) and that: Pf ...(no changes to paragraphs 1-4)

(5) Includes operational procedures that:....(no changes to subparagraphs a-c)

(d) If pH is used as a barrier to growth of *Clostridium botulinum* and *Listeria monocytogenes* such as in 3-502.12 (D)(2)(e)(iii), delineate equilibrium pH measurement, instrument calibration, and pH recordkeeping procedures.

3) Replace existing Subpargraph (iii) of Section 3-502.12 (D)(2)(e) with new language

3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria.

~~(iii) *Cooled to 3°C (38°F) or less within 24 hours of reaching 5°C (41°F) and held there for no more than 72 hours from PACKAGING, at which time the food must be consumed or discarded*; P or~~

(iii) Has an equilibrium pH of 5.0 or less, verified by a properly calibrated digital pH meter, and held at 5°C (41°F) or less until consumed or discarded within 30 days after the date of PACKAGING; P or

This issue recommends no additional changes to remainder of Section 3-502.12 (D).

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2012 Issue Form

Internal Number: 089
Issue: 2012 III-013

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
ROP 5: Requirement to submit HACCP plan to regulatory authority

Issue you would like the Conference to consider:
The Reduced Oxygen Packaging (ROP) Committee is recommending that if a food establishment decides to conduct reduced oxygen packaging (ROP) without a variance as specified in Section 3-502.12 of the 2009 Food Code that the food establishment must first submit a copy of their HACCP plan to the regulatory authority. We do not recommend that the food establishment needs to await regulatory authority, but only to notify them through submission of the HACCP plan that they will be conducting ROP operations in conformance to the procedures enunciated in Section 3-502.12 of the 2009 Food Code.

Public Health Significance:
Since the consequences of an ill conceived plan to conduct ROP operations in a food establishment can be serious, and since many food establishments are only inspected by their regulatory authority once or twice a year, requiring notification of the regulatory authority by the food establishment of ROP processes being implemented is a prudent requirement. This will allow the regulatory authority to be made immediately aware of the food establishment's intention to conduct ROP operations and will also give the regulatory authority the option to review the plan to ensure that the requirements of Sections 3-502.12 of the most current Food Code are being followed.
Prior approval is not recommended to facilitate a food establishment initiating operations without a lengthy review process. Furthermore, the Food Code is quite specific in its requirements to conduct this operation safely.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (using underlining for additions):
1) Add a new Subparagraph (7) to Subparagraph 3-502.12 (B)
3-502.12 Reduced Oxygen Packaging without a Variance, Criteria.
(B) A FOOD ESTABLISHMENT that PACKAGES POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) using a REDUCED OXYGEN PACKAGING method shall have a HACCP PLAN that contains the information specified under ¶ 8-201.14(D) and that: [Pf]...(Subparagraphs 1-6 are unchanged)

(7) Is provided to the regulatory authority prior to implementation.

2) Modify Paragraph 8-201.13 (B)

8-201.13 When a HACCP Plan is Required.

(B) A PERMIT applicant or PERMIT HOLDER shall have a properly prepared HACCP PLAN which is provided to the regulatory authority prior to implementation as specified under § 3-502.12.

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Conference for Food Protection
2012 Issue Form

Internal Number: 093
Issue: 2012 III-014

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
ROP 6: Updates to 2009 Food Code Annexes 2 and 3

Issue you would like the Conference to consider:
The Reduced Oxygen Packaging (ROP) Committee recommends adopting the ROP Committee's changes to Annex 3, Public Health Reasons as listed in the 'Supplemental Information' attachment to the 2012 CFP issue titled *Report - ROP Committee (ROP 1).* The Committee further recommends inclusion of the references cited in the 'Supplemental Information' attachment to the 2012 CFP issue titled *Report - ROP Committee (ROP 1).*

Public Health Significance:
The changes to Public Health Annex 3 and references for Annex 2 as recommended in the *'Supplemental Information'* attachment to the 2012 CFP issue titled *Report - ROP Committee (ROP 1)* to help further clarify the ROP Committee's rationale in the proposed changes to the 2009 Food Code as they relate to ROP, and also provide guidance to the regulatory authority when evaluating a food establishment's reduced oxygen packaging procedures that are conducted without a variance or prior approval.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the Annex to the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows:

1. include the references cited in the Committee's report into Food Code Annex 2; and
2. include the changes to the Food Code's Public Health Annex 3 as recommended by the ROP Committee and as listed below (using underlining for additions and strike through for language elimination):

FDA Food Code 2009: Annex 3 - Public Health Reasons / Administrative Guidelines - Chapter 3, Food

3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria.

Reduced oxygen packaging (ROP) encompasses a large variety of packaging methods where the internal environment of the package contains less than the normal ambient oxygen level (typically 21% at sea level), including vacuum packaging (VP), modified atmosphere packaging (MAP), controlled atmosphere packaging (CAP), cook chill processing (CC), and sous vide (SV). Using ROP methods in food establishments has the

advantage of providing extended shelf life to many foods because it inhibits spoilage organisms that are typically aerobic.

This state of reduced oxygen is achieved in different ways. Oxygen can be withdrawn from the package (VP) with or without having another gas such as nitrogen or carbon dioxide replacing it (MAP). Fresh produce and raw meat or poultry continue to respire and use oxygen after they are packaged. Bacterial activity also plays a role here. Packaging material that readily allow the transmission of oxygen is usually designated by an Oxygen Transfer Rate of 10,000 cc/m^2 ~~cm^2/m^3~~/24 hours or greater[i]. A reduced oxygen atmosphere will often result with an Oxygen Transmission rate of 10-100. The process of cooking drives off oxygen (the bubbling is oxygen gas coming off) and leaves a reduced oxygen level in the food, thus, microenvironments of reduced oxygen are possible even without packaging that has a barrier to oxygen transmission.

If packaging material OTR is to be used as a barrier to *C. botulinum* growth and an exemption from ROP HACCP requirements in sections 3-502.11 and 3-502.12 the operator must provide scientific evidence to the regulatory authority that the packaging, under it's intended use, maintains an oxygen atmosphere for the duration of the refrigerated shelf life. At the time of this writing, only one packaging product possesses an OTR greater than 10,000 cc/m2/24h with scientific evidence acceptable to the FDA that it maintains an aerobic atmosphere when shrink packaging raw seafood with no inclusions (marinades, oils, etc). The packaging allows oxygen to pass permitting resident bacteria to spoil the seafood before the toxin of *C. botulinum* could develop[ii].

Most foodborne pathogens are anaerobes or facultative anaerobes able to multiply under either aerobic or anaerobic conditions, therefore special controls are necessary to control their growth. Refrigerated storage temperatures of 5°C (41°F) may be adequate to prevent growth and/or toxin production of some pathogenic microorganisms but non-proteolytic *C. botulinum* and *L. monocytogenes* are able to multiply slowly ~~well~~ below 5°C (41°F). For this reason, *C. botulinum* and *L. monocytogenes* become the pathogens of concern for ROP. Controlling their growth will control the growth of other foodborne pathogens as well.

When followed as written, the ROP methods in this section all provide controls for the growth and/or toxin production of *C. botulinum* and *L. monocytogenes* without a variance. Paragraph 3-502.12 (B) identifies an ROP method with secondary barriers that will control *C. botulinum* and *L. monocytogenes* when used in conjunction with a food storage temperature of 5°C (41°F) or less. They include a_w of 0.91 or less; pH of 4.6 or less; cured, USDA inspected meat or poultry products using substances specified in 9 CFR 424.21; or high levels of competing microorganisms. *C. botulinum* will not produce toxin below an a_w of 0.91. Nitrite, used in meat and poultry curing, inhibits the outgrowth of *C. botulinum* spores. Most foodborne pathogens do not compete well with other microorganisms, therefore foods that have a high level of spoilage organisms or lactic acid bacteria can safely be packaged using ROP. Other intrinsic or extrinsic factors can also control the growth and/or toxin production of *C. botulinum* and *L. monocytogenes.*

Non-potentially hazardous food (non-time/temperature control for safety food) as defined by interaction tables A and B (section 1-201.10) contain pH and Aw intrinsic factors that prevent the growth of both *C. botulinum* and *L. monocytogenes*. Therefore these foods are exempt from the reduced oxygen packaing HACCP requirements of 3-502.11 or 3-502.12 provided they are as received and not modified in the operation and labeled as non-potentially hazardous foods.[iii]

Naturally fermented cheeses, as identified in ¶ 3-502.12(E), that meet the Standards of Identity for hard, pasteurized process, and semisoft cheeses in 21 CFR 133.150, 21 CFR 133.169, or 21 CFR 133.187, respectively, contain various intrinsic factors, often acting synergistically, that together act as a secondary barrier to pathogen growth along with refrigerated storage at 5°C (41°F) or less. This combination of factors could include some or all of the following: a lower pH, production of organic acids, and natural antibiotics or bacteriocins such as nisin by lactic acid bacteria, salt (NaCl) added during processing, low moisture content, added preservatives, and live competing cultures. Very few outbreaks have occurred that were associated with cheese. The few outbreaks of foodborne illness associated with cheeses or cheese products could be traced in large part to temperature abuse with storage at uncontrolled ambient air temperatures. Examples of cheeses that may be packaged under ROP include Asiago medium, Asiago old, Cheddar, Colby, Emmentaler, Gruyere, Parmesan, Reggiano, Romano, Sapsago, Swiss, pasteurized process cheese, Asiago fresh and soft, Blue, Brick, Edam, Gorgonzola, Gouda, Limburger, Monterey, Monterey Jack, Muenster, Provolone, and Roquefort. Soft cheeses such as Brie, Camembert, Cottage, and Ricotta may not be packaged under reduced oxygen because of their ability to support the growth of *L. monocytogenes* under modified atmosphere conditions.

When the food to be packaged under reduced oxygen conditions cannot reliably depend on secondary barriers such as a_w, pH, nitrite in cured meat products, high levels of competing microorganisms or intrinsic factors in certain cheeses, time/temperature becomes the critical controlling factor for growth of *C. botulinum* and *L. monocytogenes.* Non-proteolytic *C. botulinum* spores are able to germinate and produce toxin at temperatures down to 3°C (38°F). Therefore, to control for toxin production by *C. botulinum*, an anaerobe, ROP foods must be held at 3°C (38°F) or less. *Listeria monocytogenes* is able to grow, although very slowly, at temperatures down to - 1°C (30°F). The lag phase and generation time of both pathogens becomes shorter as the storage temperature increases. In ¶ 3-502.12(D), cook-chill processing where food is cooked then sealed in a barrier bag while still hot and sous vide processing where food is sealed in a barrier bag and then cooked, both depend on time/temperature alone as the only barrier to pathogenic growth. Therefore, monitoring critical limits including those established for cooking to destroy vegetative cells, cooling to prevent outgrowth of spores/toxin production, and maintaining cold storage temperatures to inhibit growth and/or toxin production of any surviving pathogens is essential. Cooking at low temperatures below that stated in 3-401.11 (A-C) may not destroy vegetative cells and may in fact become an incubation temperature for some pathogens. Any use of these low cooking temperatures combined with ROP packaging must be approved via the variance process[iv].

Four separate options are provided in (D)(2)(e). These time-temperature combinations will provide equivalent food safety protection without need for a variance. The first is cooling the bagged product to 1°C (34°F) and holding for up to 30 days after the product is sealed in the bag. The second is cooling bagged product to 5°C (41°F), ~~1°C (34°F), removing product to a different refrigeration unit~~ and holding at any temperature up to 5°C (41°F) for up to 7 days ~~72 hours with the total storage time not to exceed 30 days~~[v]. ~~This situation is often encountered when a central kitchen prepares and stores the bagged product at 1°C (34°F) then transports it to a satellite kitchen under their control where it can be held at 5°C (41°F) or less~~.[vi] The third option relies on a secondary barrier, pH. When the pH is at or below 5.0 *C. botulinum* and *L. monocytogenes* cannot grow at 5ºC (41ºF). Therefore, 30

days storage is permitted. Note that when using pH as a barrier, a pH measurement, calibration and recordkeeping SOPs are required. ~~is cooling to 3°C (38°F) and holding for no more than 72 hours from packaging.~~[vii] The fourth option can be used without a restricted shelf life while the bagged product is held frozen until thawed to be consumed or used in another preparation.

Since there may not be ~~are no~~[viii] other controlling factors for *C. botulinum* and *L. monocytogenes* in a cook-chill or sous vide packaging system, temperature control must be continuously monitored electronically and visually examined twice daily to verify that refrigeration temperatures are adequate. New technology makes it relatively easy to continuously and electronically monitor temperatures of refrigeration equipment used to hold cook chill and sous vide products at 1°C (34°F) or 5°C (41°F) ~~3°C (38°F)~~ or less[ix]. Thermocouple data loggers can connect directly with commonly available thermocouple probes. Recording charts are also commonly used. Temperature monitors and alarm systems will activate an alarm or dialer if temperatures rise above preset limits. Nickel-sized data loggers are available to record temperatures which can be displayed using computer software. Since surveys have shown that temperature control in home kitchens is not always adequate, food packaged using cook chill or sous vide processing methods cannot be distributed outside the control of the food establishment doing the packaging.

Time is also a factor that must be considered in ROP. Processes that use ROP packaging for storage less than 48h do not pose a hazard for pathogen growth when refrigerated at 5°C (41°F) or less and are exempt from the HACCP requirement of sections 3-502.11 and 3-502.12. Examples are sous vide cooking provided a proper cooking temperature is used according to 3-401.11 (A-C) followed by immediate service and enhanced cooling of foods using ROP bags. The main factors in this exemption are that the food must be date marked and consumed or removed from packaging after 48h[x]. The 14 day "use by" date is required label information for VP, MAP, and CAP products and cannot exceed the manufacturer's "sell by" or "use by" date. This is considered a safe time period because two barriers to growth are required to be present. When these ROP products are frozen, there is no longer a restricted 14 day shelf life. The 30 day shelf life for cook chill and sous vide is based on killing all vegetative cells in the cooking process or inhibiting their growth, preventing recontamination, and then refrigerating at 34°F or less ~~with an option of 3°C (38°F) for up to 72 hours after packaging with stringent temperature monitoring and recording requirements~~. The 7 day shelf life for cook chill and sous vide is based on killing all vegetative cells in the cooking process, preventing recontamination, and then refrigerating at 5°C (41°F) or less[xi]. These criteria allow both institutional-sized cook chill operations that may feed thousands daily, often including transportation to their satellite locations, and individual restaurants without ice banks and tumble or blast chillers to safely use cook chill and sous vide processes.

The extended shelf life for vacuum packaged hard and semisoft cheeses is based on many intrinsic factors in these cheeses plus the normal refrigeration temperature of 41°F or less to maintain safety.

A Hazard Analysis Critical Control Point (HACCP) plan is essential when using ROP processing procedures. *C. botulinum* and *L. monocytogenes* are potential hazards which must be controlled in most foods unless the food is a low acid canned food produced under 21 CFR Part 108 or 113 or an acidified food produced under 21 CFR 114. Critical control points, critical limits, monitoring, record keeping, corrective actions, and verification procedures will vary based on the type of food and type of ROP technology used.

When a food establishment intends to use ROP technology but does not use one of the secondary barriers defined in section 3-502.12 (a single barrier of 34°F combined with the criteria specified in paragraph 3-502.12(D), or hard or semisoft cheeses manufactured using Standards of Identity for those cheeses), the operator must submit an application for a variance under section 3-502.11 providing evidence that the ROP methodology intended for use is safe. It is highly recommended that the operator and/or the regulatory authority consult a process authority to validate the scientific evidence the ROP methodology intended for use is safe[xii].

Unfrozen raw fish and other seafood are specifically excluded from ROP without a variance[xiii] because of these products' natural association with *C. botulinum* type E which grows at or above 3°C (37-38°F). Fish and seafood that are frozen before, during and after the ROP packaging process are allowed.

[i] Corrects inaccurate description of OTR to that found in the US FDA Fisheries HACCP Guide.

[ii] Suggested text to clarify 10 K bag exclusion. Would require variance for all uses other than that approved by FDA Seafood HACCP Guidance for raw seafoods.

[iii] Adds text to clarify non-PHF exclusion from ROP HACCP 3-502.11 or 3-502.12.

[iv] Added text to clarify low temperature cooking processes, e.g. sous vide to obtain a variance.

[v] Changes this section to accommodate changes made to 3-502.12 (D)(2)(e).

[vi] Just deleting this text. It appears extraneous.

[vii] Corrects text to accommodate changes made to 3-502.12 (D)(2)(e)(iii).

[viii] Correct text to acknowledge that there may be other controlling factors.

[ix] The 38oF option has been deleted.

[x] This may need to be tweaked somewhat after the committee finalizes the definition change that establishes the 48 h storage point.

[xi] Clarifies this section to permit the 7 day at 41F code change.

[xii] This change was discussed by the committee and I am suggesting placing it here.

[xiii] Corrects text that implies ROP of non-frozen fish with a variance is not permitted.

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Conference for Food Protection
2012 Issue Form

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Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
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Title:
Improving Ground Beef Food Safety in Restaurants and Food Service

Issue you would like the Conference to consider:
The Food and Drug Administration's (FDA) Food Code Consumer Advisory provision was implemented to assure that all consumers are informed about the increased risk to especially vulnerable populations of eating raw or undercooked animal foods. The Consumer Advisory is intended to apply to all food establishments where raw or undercooked animal foods or ingredients are sold or served for human consumption in a raw or undercooked form. This includes all types of food establishments whenever there is a reasonable likelihood that the food will be consumed without subsequent, thorough cooking - such as restaurants, raw bars, quick-service operations, carry-outs, and sites where groceries are obtained that have operations such as deli's or seafood departments.
Although a variety of statements regarding this issue are currently standard on restaurant menus, the American Association of Meat Processors (AAMP) believes these statements do not provide a sufficient level of protection against foodborne pathogens at food service and restaurants. The meat industry, regardless of facility size (*e.g.,* very small, small, and large), has worked aggressively to do what they can to prevent this harmful *E. coli* O157:H7 pathogen from contaminating meat products. Meat processors rely on numerous interventions intended to specifically address *E. coli* O157:H7 and other harmful meat-related pathogens. Unfortunately, science and historical data indicates that the meat industry cannot guarantee that all ground beef produced is completely free of the *E. coli* O157:H7 pathogen and/or other non-*E. coli* O157 Shiga Toxin-producing *Escherichia coli* (commonly referred to as non-O157 STECs). See the attachment, *Background Information*, for more details.
Therefore, a risk still exists that consumer may get extremely ill by consuming under-cooked ground beef products. The consumer advisory statement may protect the food service or restaurant establishment from financial liability and/or lawsuits, but does very little to actually protect the consumer. The allowance of such dangerous food preparation practices is in complete opposition to U.S. Department of Agriculture (USDA) and FDA cooking recommendations.
AAMP is currently recommending that changes be made to the FDA Food Code for the Consumer Advisory statement on menus and that proper preparation of ground beef be mandated at the food service and restaurants. Specifically, AAMP recommends:

- Amend the FDA Food Code to add a statement that disallows food service/restaurants from serving undercooked ground beef products to consumers. This change would need to include a minimal cooking temperature for ground beef items (*e.g.*, ground beef, hamburgers, etc.) of 160°F to ensure that it has been properly cooked to eliminate the chances for the potential presence of *E. coli* O157:H7.
- Amend the FDA Food Code to allow ground beef or blade tenderized steaks to be cooked at a temperature lower than 160°F, if, and only if that ground beef or blade tenderized steaks has been irradiated.
- Amend the FDA Food Code to add a statement that disallows food service/restaurants from serving undercooked blade tenderized or moisture enhanced steaks. This change would need to include a minimal cooking temperature for blade tenderized or moisture enhanced steaks of 160°F to ensure that it has been properly cooked to eliminate the chances for the potential presence of *E. coli* O157:H7.

The importance of the change is to help alter the mindset of consumers to avoid consuming undercooked ground beef products, since these products carry increased risk of *E. coli* O157:H7 and other non-O157 STECs. When consumers begin to understand the reasons why they are not able to eat/order an undercooked ground beef patty at the food service and restaurant level, then ideally this understanding of food safety will likely transfer to at-home use of the product. The Consumer Advisory statement in its current form also is somewhat of a release of liability for restaurants, who have not in the past taken the responsibility for properly cooking products served to consumers. Instead, the blame is placed back onto the ground beef processor/supplier. With the current structure of the meat industry and the technology available, many of these ground beef processors/suppliers are simply receiving raw materials to produce ground beef and have very little control on potential *E. coli* O157:H7 contamination. Furthermore, the effectiveness of antimicrobial interventions against *E. coli* O157:H7 at the processors level have limitations.

Public Health Significance:

Escherichia coli O157:H7 (commonly referred to as *E. coli* O157:H7) has been a major concern in the meat industry for decades and has increasing concerns with the development of new processing techniques. *E. coli* O157:H7 has been associated with food since 1982, but *E. coli* O157 is naturally found in the intestinal tract of cattle and in cattle feces. A potential cascade effect of *E. coli* O157:H7 contamination can be seen during the slaughter and production process. *E. coli* O157:H7 in the feces of cattle can be transferred to the hide. The feces on the hide are transferred to the carcasses during the de-hiding process and from the carcass the knives and saws become a vector to transfer *E. coli* O157:H7 onto other cuts of meat. The contaminated cuts of meat are then ground and added to other animal's cuts of meat. This is a possible cascade of events that can lead to massive amounts of ground products contaminated with *E. coli* O157:H7.

E. coli is a common kind of bacteria that lives in the intestines of animals and people, and there are many strains of the pathogen. Most are relatively harmless, but *E. coli* O157:H7 is a strain that produces a powerful toxin that makes those affected very ill. *E. coli* can be found in meat, unpasteurized milk, raw fruits and vegetables, and contaminated water sources. Bloody diarrhea and stomach pain are the most common signs of *E. coli* O157:H7 sickness. Some of the population, especially children under 5 and the elderly, can become

very sick from *E. coli* O157:H7. The infection damages the body's red blood cells and kidneys, and can cause hemolytic uremic syndrome. The Centers for Disease Control and Prevention (CDC) estimates that every year at least 2000 Americans are hospitalized, and about 60 die as a direct result of *E. coli* O157:H7 infections and its complications. A study published in the Journal of Food Protection in 2005 by the Emerging Infections Program FoodNet Working Group, estimated the annual cost of *E. coli* O157:H7 illnesses to be $405 million (in 2003 dollars), which included $370 million for premature deaths, $30 million for medical care, and $5 million for lost productivity. Visit http://www.ncbi.nlm.nih.gov/pubmed/16355834# to view the abstract of the study, Economic Cost of Illness Due to *Escherichia* coli O157 Infections in the United States.

According to the U.S. Department of Agriculture's Food Safety and Inspection Service (USDA/FSIS) data, in 2011 there were 11 *E. coli* recalls of beef products. In 2010, there were 9 *E. coli* O157:H7 recalls of beef products. According to CDC FoodNet data, the illness rate associated with *E. coli* O157:H7 was 0.9 in 2010. Although the incidence of STEC O157 infection has declined to reach the 2010 national health objective target of less than one case per 100,000, this still does not justify the undercooking of potentially harmful products.

USDA/FSIS and the meat industry instituted a testing program for the pathogen that focused on components used in the production of ground beef products as well as end-product sampling programs for ground beef. The goal is to keep contaminated product from reaching consumers and to spur industry focus towards pathogen reduction and HACCP-associated verification programs to reduce the risk of this pathogen in beef products. The USDA/FSIS policy is currently reflected in FSIS Directive 10,010.1. Visit http://www.fsis.usda.gov/OPPDE/rdad/FSISDirectives/10010.1Rev3.pdf to download a copy of the document. This testing is random and sporadic and still allows the potential for contaminated product to reach the consumer.

On September 13, 2011, USDA's Under Secretary for Food Safety, Dr. Elisabeth Hagen, announced that six additional serogroups of pathogenic *E. coli* were declared as adulterants in non-intact raw beef. As a result of this action, if the *E. coli* serogroups O26, O103, O45, O111, O121, and O145 (commonly referred to as non-O157 STECs) are found in raw ground beef or its precursors, those products will be prohibited from entering commerce. FSIS will begin testing for these six serogroups of STEC and enforcing the new policy on March 5, 2012.

Over the past two years, FSIS has announced several new measures to safeguard the food supply, prevent foodborne illness, and improve consumers' knowledge about the food they eat. These initiatives support the three core principles developed by the President's Food Safety Working Group (FSWG). When President Obama came into office, he said that "protecting the safety of our food and drugs is one of the most fundamental responsibilities government has." He pledged to strengthen our food safety laws and to enhance the government's food safety performance. As part of its multi-faceted approach to prevent foodborne illness, USDA also launched Food Safe Families, a consumer education campaign with the Ad Council, the FDA, and the CDC. Changing the Food Code to disallow food service/restaurants to serve undercooked ground beef products to consumers is consistent with the goals of the FSWG and would be another tool to protect public health from *E. coli*.

Ground beef makes up the largest market share of beef consumption in the U.S. Billions of hamburgers are consumed annually. Approximately 26.4 billion pounds of beef was

consumed in 2010, and approximately 50% of this amount was in the form of ground beef. Most Americans buy the product at least two times a week, and ground beef accounts for more than half of all beef sales, as well as a quarter of all the meat sold in North America. Consumers eat about 28 pounds of ground beef annually. Because of the amount of ground beef consumed, the concern over *E. coli* O157:H7 and other non-O157 STECs is taken very seriously by the beef industry, USDA/FSIS, and other stakeholders.

The language amendments recommended in this Issue would be more descriptive of products that are currently recognized by USDA/FSIS as foods that are regularly associated with potential *E. coli* O157:H7 contamination. The Food Code was previously amended to disallow the sale of under cooked ground beef (*i.e.*, comminuted meat) when it is selected from a children's menu. The *E. coli* O157:H7 pathogen is non-discriminatory and can potentially affect all people, regardless of age and immune system.

As the meat industry endeavors to prevent the occurrence of *E. coli* O157:H7 and other pathogen contamination, it is our hope that the food preparers and consumers will continue to practice proper food handling and cooking techniques in their kitchens in an effort to prevent food borne illnesses

AAMP doesn't believe that the recommended 160°F internal product temperature will create an unpalatable product for consumers. The National Cattlemen's Beef Association (NCBA), through funding from Beef Check-off dollars, has also developed an approach to teach the public that through proper cooking methods, beef is safe when cooked to 160°F and is also savory to eat when cooked to that temperature. The promotion attempts to educate the public to not ruin the hamburger by cutting into the hamburgers to check the color, but instead they are encouraged to use a meat thermometer to cook the hamburger to 160°F. NCBA has pointed out that the keys to a *Safe and Savory* hamburger are:

- Cook ground beef to an internal temperature of 160°F.
- Don't use visual appearance to determine doneness of the hamburger. An instant-read meat thermometer is the only way to ensure that the ground beef is cooked to the proper temperature of 160°F. Consumers cannot rely on color and juiciness.
- Check the internal temperature of the hamburger by inserting the meat thermometer into the center of the hamburger.

Because proper cooking is the most uniform method that can guarantee ground beef products are safe from *E. coli* O157:H7, AAMP believes that this change is very important to help improve food safety. It is our hope that this change would also improve consumer education on cooking ground beef, as well as the public's understanding of this pathogen. The change in the Food Code would ensure that all restaurants are required to cook their ground beef products to the proper temperature, and remove one more area of risk from the beef industry's concerns.

The American Association of Meat Processors is recommending that the members of the 2012 Conference for Food Protection support the identified changes of the FDA Food Code that will further help protect consumers from potential *E. coli* O157:H7 and/or non-O157 STEC illness.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (new language shown with underline and deleted language shown with strike-through):

1. §3-401.11 (Raw Animal Foods) (D)

A raw animal food such as raw egg, raw fish, raw-marinated fish, raw molluscan shellfish, or steak tartare; or a partially cooked food such as lightly cooked fish, soft cooked eggs, or rare meat other than whole-muscle, intact beef steaks as specified in ¶ (C) of this section, may be served or offered for sale upon consumer request or selection in a ready-to-eat form if:

(1) *As specified under ¶¶ 3-801.11(C)(1) and (2), the food establishment serves a population that is not a highly susceptible population;*

(2) *The food, if served or offered for service by consumer selection from a children's menu, does not contain comminuted meat;* [Pf] *and*

(3) *The consumer is informed as specified under § 3-603.11 that to ensure its safety, the food should be cooked as specified under ¶ (A) or (B) of this section; or*

Revise subparagraph (D)(3) to read as follows:

~~*The* consumer is informed as specified under § 3-603.11 that to ensure its safety, the *food* should be cooked as specified under ¶ (A) or (B) of this section~~ The food, if is beef or contains beef which is comminuted beef meat (*e.g.*, ground beef), blade tenderized beef meat, or moisture-enhanced beef meat; it must be cooked to a minimal internal temperature of 160°F unless the food has been irradiated or guaranteed not to contain *E. coli* O157:H7 or other non-O157 STECs; or

2. §3-603.11 (Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens)

(A) Except as specified in ¶ 3-401.11(C) and Subparagraph 3-401.11(D)(4) and under ¶ 3-801.11(C), if an animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in ready-to-eat form or as an ingredient in another ready-to-eat food, the permit holder shall inform consumers of the significantly increased risk of consuming such foods by way of a disclosure and reminder, as specified in ¶¶ (B) and (C) of this section using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means. [Pf]

(B) Disclosure shall include:

(1) A description of the animal-derived foods, such as "oysters on the half shell (raw oysters)," "raw-egg Caesar salad," and "hamburgers (can be cooked to order)"; [Pf] or

Revise subparagraph (B)(1) to read as follows:

A description of the animal-derived *foods*, such as "oysters on the half shell (raw oysters)," "raw-*egg* Caesar salad," ~~and "hamburgers (can be cooked to order);"~~or

These amendments would be more descriptive of products that are currently recognized by USDA/FSIS as foods that are regularly associated with potential *E. coli* O157:H7 contamination. The Food Code was previously amended to disallow the sale of under cooked ground beef (*i.e.*, comminuted meat) when it is selected from a children's menu. The *E. coli* O157:H7 pathogen is non-discriminatory and can potentially affect all people, regardless of age and immune system.

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Attachments:

- "Background Information"
- "Microbiological Results of Raw Ground Beef Products for E. coli O157:H7"

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Conference for Food Protection
2012 Issue Form

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Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
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Title:
Separation of Non-Intact Meats from Whole-Muscle Cuts of the Same Type

Issue you would like the Conference to consider:
Clarification on the storing and displaying of comminuted or otherwise non-intact meats above whole-muscle intact cuts of meat unless they are packaged in a manner that precludes the potential for cross-contamination.
As amended by the 2011 FDA Food Code Supplement, subparagraphs 3-302.11(A)(2) and (3) of the FDA Food Code read:
3-302.11 Packaged and Unpackaged Food - Separation, Packaging, and Segregation.
(A) Food shall be protected from cross contamination by:
(1) [not relevant to Issue]
(2) *Except when combined as ingredients*, separating types of raw animal foods from each other such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:
(a) Using separate equipment for each type, [P] or
(b) Arranging each type of food in equipment so that cross contamination of one type with another is prevented, [P] and
(c) Preparing each type of food at different times or in separate areas; [P]
(3) Not storing and displaying comminuted or otherwise non-intact meats above whole-muscle intact cuts of meat unless they are packaged in a manner that precludes the potential for cross-contamination
The requirements conflict, because (A)(2) specifies "types of raw animal foods" "such as beef" and "pork" while (A)(3) adds a distinction between comminuted meats and whole-muscle meats of the same type.
Based on the Public Health Reasons for 3-401.11 regarding comminuted meats, the difference in cooking temperatures between ground meats and pork and whole-muscle intact cuts is based on the lack of come-up/come-down time, not different pathogens or different microbial loads. "Come up time" is the time it takes the product to reach the specified temperature, "come down time" is the time it takes for the product to cool down.
The Public Health Reason for 3-401.11 reads, in pertinent part:
"When USDA established the time and temperature parameters for 9 CFR 318.23 Heat-Processing and Stabilization Requirements for Uncurred [sic] Meat Patties (known as the "patty rule"), the Agency based the 5D for *Salmonella* on extrapolations applied to the

research done by Goodfellow and Brown to account for the lack of a "come up, come down" time in the thin, small mass beef patties. Consequently, there is no linear relationship between the patty rule and roast beef time and temperature parameters. The patty rule also provided for an 8D reduction in the number of Shiga toxin-producing ***Escherichia coli***. The time and temperature requirements in the Food Code for comminuted meats are comparable to the USDA requirements."
Therefore, there is no reason to impose extra requirements on the storage or display of same types (beef, pork, poultry, fish, etc.) simply because they are ground or otherwise not intact.

Public Health Significance:
This requirement to store non-intact meats separately from whole-muscle cuts of the same type is unnecessary and leads to confusion among regulators and the regulated community.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended to delete Section 3-302.11(A)(3) and delete corresponding Public Health Reason language from the Model Food Code as follows (deleted language shown with strike-through):
Section 3-302.11 Packaged and Unpackaged Food - Separation, Packaging, and Segregation.
~~(3) Not storing and displaying comminuted or otherwise non-intact meats above whole-muscle intact cuts of meat unless they are packaged in a manner that precludes the potential for cross-contamination;~~
(Public Health Reason) Section 3-302.11
Packaged and Unpackaged Food - Protection Separation, Packaging, and Segregation.
~~Storing or displaying comminuted or otherwise non-intact meats above whole-muscle intact cuts of meat can also present a cross-contamination hazard unless they are packaged and displayed in a manner that creates a barrier to prevent leakage of contents from one package to the other. Cooking recommendations assume that lower levels of contamination will be present in whole muscle products than in non-intact meats. If the whole muscle product is subject to cross-contamination, the recommended cooking temperature may not be sufficient to ensure the safety of the product.~~

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Conference for Food Protection
2012 Issue Form

Internal Number: 002
Issue: 2012 III-017

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Thawing Vacuum Packaged Frozen Fish

Issue you would like the Conference to consider:
Some small, independent retail grocery stores and food service establishments have stored commercially processed and reduced oxygen packaged frozen fish in their refrigerated seafood service cases/ coolers in a thawed state despite warning labels to use immediately after thawing on boxes of frozen fishery products.
In addition, some retail food establishments may re-package bulk frozen fish in a reduced oxygen package for convenience and hold the fish frozen without use of a warning label for thawing, and not understand the food safety significance of the thawing step for vacuum packaged frozen fish.
Address the food safety concern regarding the thawing of frozen vacuum packaged fish in the Food and Drug Administrations' next edition of the Food Code.

Public Health Significance:
Section 3-502.12 (C) of the U.S. Food and Drug Administrations' 2009 Food Code offers an exception or allowance for the packaging of frozen fish using a reduced oxygen packaging method as long as the *fish was frozen before, during, and after packaging.*
The spores of *Clostridium botulinum* are very common in nature. They have been found in the gills and viscera of fin fish, crabs, and shellfish. *C. botulinum type E* is the most common form found in fresh water and marine environments. Types A and B are generally found on land, but may also be occasionally found in the water. It should be assumed that *C. botulinum* will be present in any raw fishery product, particularly in the viscera.
There are a number of strategies to prevent *C. botulinum* toxin formation during processing, storage and distribution of finished fishery products.
In Chapter 13, Clostridium botulinum Toxin Formation (A Biological Hazard) of the U.S. Food and Drug Administration's Fish and Fisheries Products Hazards and Controls Guidance, Third Edition, June 2001, the requirement for the commercial seafood processor who manufactures frozen, reduced oxygen packaged fishery products states:

- Control in frozen, reduced oxygen packaged fishery products

If your product is immediately frozen after processing, maintained frozen throughout distribution, and labeled to be held frozen and to be thawed under refrigeration immediately

before use (e.g. " Important, keep frozen until used, thaw under refrigeration immediately before use"), then formation of ***C. botulinum*** toxin may not be a significant hazard.
.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended adding informational items (allowances) to Section 3-501.13, Thawing, and Section 3-502.12, Reduced Oxygen Packaging, Criteria as follows (new language in underline format):
1- Add the following language for thawing of reduced oxygen frozen fish after the exception sentence in Section 3-502.12(c):
To control C. botulinum toxin formation, reduced oxygen packaged fish must be held frozen until used or removed from ROP during the thawing process.
2- Add an informational only statement to section 3-501.13, Thawing:
(E) *Frozen, reduced oxygen packaged fishery products must be kept frozen until used, or removed from ROP during the thawing process.*

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Conference for Food Protection
2012 Issue Form

Internal Number: 120
Issue: 2012 III-018

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Harmonize Time/Temperature Charts in Food Code with FSIS Guidance

Issue you would like the Conference to consider:
The Food Safety Inspection Service (FSIS) is recommending that changes be made to FDA Food Code § 3-401.11 *Cooking* to:

- Resolve minor discrepancies between the time and temperature combinations specified in the Food Code for cooking of non-intact meat products at retail and what is specified in FSIS Guidance directed at meat and poultry processors;
- Revise the minimum time and temperature requirements for meat roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham to reflect updated FSIS Guidance for these products;
- Refer to appropriate FSIS Guidance documents for additional appropriate time and temperature combinations not currently specified in the Food Code for cooking of non-intact meat chops, roasts and steaks;
- Clarify what cooking criteria applies to intact meats and which applies to non-intact meats; and
- Establish minimum instantaneous cooking temperatures for products for ones which do not currently exist in the Food Code, including for poultry, baluts and wild game animals.

Public Health Significance:
The differences between specific criteria contained in the Food Code and in FSIS guidance documents are, for the most part, minimal and, therefore, would have negligible impact on food safety. For example, *FSIS Guidance on Safe Cooking of Non-Intact Meat Chops, Roasts, and Steaks* recommends that such products be cooked to 68°C (155°F) for 17 seconds while the Food Code recommends that such products be cooked to a minimum temperature of 68°C (155°F) for 15 seconds. These differences are likely a matter of rounding as all times in the FSIS guidance that were a fraction of a minute or second were rounded up to the next whole number (e.g., 16.2 seconds for 155 °F was rounded up to 17 seconds). Although small, such discrepancies lead to confusion. *FSIS Guidance on Safe Cooking of Non-Intact Meat Chops, Roasts, and Steaks* contains additional time-temperature combinations that are also appropriate for cooking the animal products

covered in 3-401.11(A)(2). FSIS recommends these additional time and temperature combinations be established in the Food Code by reference to the Guidance document.

The time and temperature combinations in § 3-401.11(A)(2) for mechanically tenderized and injected meats should also apply to meat roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham. The current Food Code time and temperature recommendations for meat roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham [see § 3-401.11(A)(3)] refer to time and temperature combinations that were derived from USDA/FSIS *Appendix A. Compliance Guidelines For Meeting Lethality Performance Standards For Certain Meat And Poultry Products (*http://www.fsis.usda.gov/oa/fr/95033f-a.htm).

The time and temperature combinations in *Appendix A* achieve a 6.5 log reduction in *Salmonella*. More recently, FSIS has issued new guidelines specifying that a minimum of 5-log reduction in *Salmonella* is acceptable for lamb, pork, and cured pork roasts such as ham as well as for mechanically tenderized and injected meats. FSIS is considering extending the minimum 5 log reduction to meat roasts including beef and corned beef, prior to issuance of the 2013 Food Code. The time and temperature combinations in the *FSIS Guidance on Safe Cooking of Non-Intact Meat Chops, Roasts, and Steaks* will achieve a 5-log reduction in *Salmonella*. Therefore, in order to be consistent, retail and foodservice institutions producing meat roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham should have the option of meeting criteria that is based on the new guidance.

CFP Issue # 2002-I-33 from the 2002 Conference recommended that USDA and FDA work together to establish instantaneous cooking temperatures for animal products that to date had minimum cooking temperatures that included a minimum dwell time of 15 seconds. FSIS is recommending deleting the 15 second dwell time from the minimum criteria specified in Subparagraph 3-401.11(A)(3) for the products covered under that subparagraph. This recommended change is based on FSIS guidance in the *Time-Temperature Tables for Cooking RTE Poultry Products*. FSIS believes that if poultry products are cooked to the minimum temperatures specified, it is not necessary to specify a minimum 15 second dwell time.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows:

1) Changes be made in strike through to remove language and underline to add language format to § 3-401.11 *Cooking* of the Food Code:

3-401.11 Raw Animal Foods.

(A) Except as specified under ¶ (B) and in ¶¶ (C) and (D) of this section, raw animal foods such as eggs, fish, meat, poultry, and foods containing these raw animal foods, shall be cooked to heat all parts of the food to a temperature and for a time that complies with one of the following methods based on the food that is being cooked:

(1) 63°C (145°F) or above for 15 seconds for:

(a) Raw eggs that are broken and prepared in response to a CONSUMER's order and for immediate service, and

(b) Except as specified under Subparagraphs (A)(2) and (A)(3) and (B), and in (C) of this section, FISH and <u>INTACT</u> MEAT including GAME ANIMALS commercially raised for

FOOD as specified under Subparagraph 3-201.17(A)(1) and GAME ANIMALS under a voluntary inspection program as specified under Subparagraph 3-201.17(A)(2);
(A)(2) 68°C (155°F) for ~~15~~ 17 seconds or for the temperature specified in the following chart that corresponds to the holding time for RATITES, MECHANICALLY TENDERIZED, and INJECTED MEATS, MEAT roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham; the following if they are COMMINUTED: FISH, MEAT, GAME ANIMALS commercially raised for FOOD as specified under Subparagraph 3-201.17(A)(1), and GAME ANIMALS under voluntary inspection program as specified under Subparagraph 30201.17(A)(2); and raw EGGS that are not prepared as specified under Subparagraph (A)(1)(a) of this section:
[See attachment (Table 1) for strike through changes to Table.]
(A)(3) 74°C (165°F) or above ~~for 15~~ for POULTRY, BALUTS, wild GAME ANIMALS as specified under Subparagraphs 3-201.17(A)(3) and (4), stuffed FISH, stuffed MEAT, stuffed pasta, stuffed POULTRY, stuffed RATITES, or stuffing containing FISH, MEAT, POULTRY, or RATITES.
~~(A) Whole MEAT roasts including beef, corned beef, lamb, pork and cured pork roasts such as ham shall be cooked:~~
~~(1) In an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature:~~
[See attachment (Table 2) for strike through changes to Table.]
~~and~~
~~(2) As specified in the following chart, to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature:~~
[See attachment (Table 3) for strike through changes to Table.]
2) Food Code Annex 3 Public Health Reasons Section 3-401.11 related to Cooking (pages 396-398 of 2009 Food Code), that describe the background for the time temperature combinations, be updated to reflect these changes.
3) Food Code Annex 3 Public Health Reasons Section 3-401.11 related to Cooking (396-398 of 2009 Food Code), be updated to include further temperatures found in *FSIS Guidance on Safe Cooking of Non-Intact Meat Chops, Roasts, and Steaks*, available at: http://askfsis.custhelp.com/ci/fattach/get/4648/, and to include an additional recommendation that MEAT roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham may also be cooked using the time-temperature combinations in *Appendix A. Compliance Guidelines For Meeting Lethality Performance Standards For Certain Meat And Poultry Products*, found at: http://www.fsis.usda.gov/oa/fr/95033f-a.htm.

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Attachments:

- "TIME-TEMPERATURE TABLES FOR COOKING READY-TO-EAT POULTRY PRODUCTS"
- "FSIS Guidance on Safe Cooking of Non-Intact Meat Chops, Roasts, and Steaks"
- "Annex 3 Food Code"
- "Table 1"
- "Table 2"
- "Table 3"

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Conference for Food Protection
2012 Issue Form

Internal Number: 010
Issue: 2012 III-019

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Final cooking temperature requirement for non-continuous cooking

Issue you would like the Conference to consider:
Amend 2009 FDA Food Food Code Section 3-401.14, (D) which currently requires a final temperature of 165°F before service to allow an exception for the use of the cooking temperature of 145°F for 15 seconds for intact whole-muscle beef.

Public Health Significance:
The 2009 FDA Food Code requires a final cook for non-continuously cooked raw animal foods of 165 °F based on the USDA/FSIS *Performance Standards for Partially Cooked and Char-Marked Meat Patties and Partially Cooked Poultry Breakfast Strips* found in 9 CFR 318.23[31] and 9 CFR 381.150. Since the initial partial heat treatment may not eliminate the vegetative organisms of concern or spores, the second and final heating process is necessary to eliminate the hazards associated with these products before service. However, the cooking temperatures in FDA Food Code Section 3-401.11 likewise based on USDA/FSIS data are adequate and vary based on scientifically based anticipated load and thermal destruction needed for different types of raw animal products and organisms of concern.

The current requirement for non-continuous cooking limits the time for the initial partial cook and the cooling time/temperatures such that, if done as per the current Code requirements, it will limit the growth of both possible vegetative and spore-forming organisms of concern. Non-continuous cooking is typically done for small mass products such as grill marking of steaks and burgers and poultry, or diced raw animal products for Asian style cooking with brief initial heating and rapid cooling.

Assuming these steps (initial heating and cooling) follow the current Code requirements, the expected load would not have increased significantly relative to a completely raw animal food or a fully cooked animal food that has been properly cooled and can be eaten without reheating as long as it is not going to be held hot. In the case of non-continuous cooked animal foods, these products are going to receive a second heat treatment before service; the final cooking temperatures in Section 3-401.11 will eliminate possible pathogens present, which the initial partial cook did not control.

The cooking requirements used to control both the vegetative and spore forming pathogens such as *C. perfringens*, *B. cereus*, and *C. botulinum* in 3-502.12 (D) (2) (b) for cook-chill or

sous vide products likewise uses the same time/temperature parameters in 3-401.11, not 165°F.

According to the 2009 Food Code Annex 3 Section 3-401.14, the cumulative growth of *C. perfringens*, *B. cereus*, and *C. botulinum* must be taken into account during both the initial heating and cooling steps. The hazard may be compounded with an extended initial "come up" time and /or a prolonged stage. Hence the degree of hazard may be dependent upon the ultimate effect of the initial heating and cooling, as well as the final cooking step.

The hazard of vegetative cell growth and spores of *C. perfringens*, *B. cereus*, and *C. botulinum* can be controlled if the initial cook was within 1 hour and the fast cooling process to less than 70 °F is achieved in less than 2 hours.

Section 3-401.11 (C) also allows for the service of raw or undercooked whole-muscle intact beef steak if the surface temperature reaches 145℉ for 15 seconds based on National Advisory Council on Microbiological Criteria for Foods (NACMCF) and USDA recommendations due to the low probability of pathogenic organisms being present in or migrating from the surface to the interior. This would likewise apply to non-continuously cooked whole-muscle, intact beef steaks. As long as the outside is seared to at least 145°F for 15 seconds during the final heat treatment before service, any pathogens will be controlled as long as Section 3-401.14 (A), (B), and (C) has been met.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011), Section 3-401.14, (D), be amended as follows (new language shown with underline):

3-401.14 *(D) Prior to sale or service, cooked using a process that heats all parts of the food to a temperature of at least 165°F for 15 seconds: except to allow for the use of the cooking temperature of 145°F for 15 seconds found in 3-401.11 for raw intact whole-muscle beef.*

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Conference for Food Protection
2012 Issue Form

Internal Number: 013
Issue: 2012 III-020

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Reduced Minimum Temperature for Microwave Steam Cooking of Seafood

Issue you would like the Conference to consider:
Section 3-401.12 of the 2009 edition of the FDA Food Code requires that raw animal foods, including seafood, heated via microwave energy must attain an internal temperature of at least 165°F. However, traditional steam heating of seafood products need only attain an internal temperature of 145°F. The recently published paper, "Utilization of Steam Heat Generated via Microwave Energy" (attached) summarized the results of a study that was conducted to evaluate the effectiveness of steam heat processing of seafood within a covered pan containing water with the energy generated via microwaves [1]. The study demonstrated that when water was added in a ratio of 30ml per pound of seafood product and placed within a covered container in a microwave oven, microwave energy effectively converted the water to steam and thoroughly cooked the product within 4 minutes (2 minutes cooking time plus 2 minutes holding time). Internal product temperatures in excess of 145°F were consistently recorded at each of seven sites along the products. The study showed that there was no appreciable difference between the cooking of seafood in a conventional steam oven and that of cooking seafood in a covered pan containing a measured quantity of water with microwaves used as the steam generating energy source.

[1] Specchio, J., Schrade,J., & Unanski, M., 2011, Food Safety Magazine, Utilization of Steam Heat Generated via Microwave Energy

Public Health Significance:
The FDA Food Code permits seafood products to be safely cooked in a conventional steamer to an internal temperature of 145°F. The study referenced above demonstrated that heat transfer within seafood products via microwave generated steam in a covered pan with water added was comparable to the heat transfer within a convention steamer.

There are several advantages to using microwave energy to generate steam to cook seafood in covered pans. First, the microwave units are portable and don't require expensive and complicated steam and waste water plumbing hookups. Second, there are many microwavable-safe containers available in different sizes to economically accommodate the volume of food items being prepared. Third, the stainless steel microwave units as well as the containers are easily cleaned and sanitized. Fourth, cooking time is reduced in comparison to conventional steam units yet safe internal product

temperatures are attained. Fifth, there is a large savings in energy costs using microwaves to generate steam as opposed to using convention gas or electric steaming units.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (new language shown with underline):
3-401.15 Microwave Cooking of Seafood
Raw seafood cooked in a microwave oven shall be:
(A) Placed within a covered container with the addition of a sufficient amount of water to cover the bottom of the pan;
(B) Steam heated to a temperature of at least 62.8°C (145°F) in all parts of the food; and
(C) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

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Attachments:

- "Utilization of Steam Heat Generated via Microwave Energy"

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Conference for Food Protection
2012 Issue Form

Internal Number: 074
Issue: 2012 III-021

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Determining the Disposition of Refrigerated PHF (TCS food) above 5°C (41°F)

Issue you would like the Conference to consider:
Food establishments and regulators often have to make decisions about the safety of refrigerated PHF (TCS food) when product temperature has increased above 5°C (41°F). For example, during emergency power outages, refrigerated food may have a slight increase in temperature until actions can be taken to maintain the food at 5°C (41°F). During these times, it is equally important that food establishments be able to safely sell food to consumers, donate food to the community and prevent the needless destruction of safe food.

Food establishments and regulators need science-based procedures for determining when refrigerated PHF (TCS) food can be safely sold and when it should be destroyed or re-conditioned in the event there is an increase in the food temperature above 5°C (41°F). Such a provision in the FDA Food Code would be most useful in emergency situations such as during a power outage.

This provision would provide disposition recommendations such that refrigerated PHF (TCS) food that exceeds 5°C (41°F) for a specified time and temperature combination can be safely sold, and establish the limits of time and temperature when such food must be destroyed or reconditioned. Based on science, such provisions would offer a sound basis for making disposition decisions of refrigerated PHF (TCS) food, especially during emergency situations.

Food Code Part 3-7, *Contaminated Foods*, should be renamed *Disposition of Food.* This Part of the Food Code should also be revised to include science-based recommendations for the disposition options for refrigerated PHF (TCS) food that is above 5°C (41°F) but which can still be safely sold.

During times of emergencies and follow-up recovery, food establishments and regulators often consult the *CFP Emergency Action Plan for Retail Food Establishments*[1] (See Reference #1 on the list of Attachments) including the section titled *Interruption of Electrical Service, Part III, Recovery*, on page 10. This guide includes a table labeled "Cold Foods Internal Temperature Guidance" which offers guidance for handling refrigerated PHF (TCS) food when the product temperature has increased above 5°C (41°F). The guidance provided is not based on science nor is it reflective of recommendations in the Food Code. The Food Code is of little use in such situations since it does not provide specific

recommendations on the disposition options for such food. Having consistent, science-based recommendations in both the Food Code and the *CFP Emergency Action Plan for Retail Food Establishments* for disposition of refrigerated PHF (TCS) food when the product temperature has increased above 5°C (41°F) would benefit regulators and food establishments, while protecting and serving the public.

Public Health Significance:

The time and temperature parameters for this recommendation were based on the considerable body of science available regarding growth of pathogens at various time/temperature combinations and the current recommendations in the Food Code. It also includes a variety of conservative (fail-safe) assumptions.

The decision was made to review two different data sets regarding pathogen growth, and to use the more conservative numbers when developing disposition recommendations. The first body of science referenced was the 2004 CFP report from the "Time Only as a Public Health Control Committee - Council III[2] (See reference #2 on the list of Attachments) which used the USDA-Pathogen Modeling Program (PMP) to predict the time for a 1-log increase in *Listeria monocytogenes (Lm)* concentration. The second set of scientific data includes model predictions from the ComBase predictor model, found at:

- The results from both the PMP and ComBase models are included in the *Predicted Time for the Increase in Growth of Listeria monocytogenes (Lm) at Various Temperatures* tables.[3] (See reference #3 on the list of Attachments) The 2004 Committee Report using the USDA PMP shows the time needed for a 1-log growth increase in *Lm* at 45°F (7.2°C) and 50°F (10.0°C) is 53.9 hours and 34.7 hours, respectively. (Table 4, located at Reference #3 on the list of Attachments) The results from the ComBase predictor model shows the time needed for a 1-log growth increase in *Lm* at 45°F (7.2°C) and 50°F (10.0°C) is 30 hours and 18 hours, respectively. (Table 1, located at Reference #3 on the list of Attachments)

The predicted times using the ComBase model are less than those shown for the PMP, primarily due to the assumption that no lag time occurs. The ComBase predictor model also has the added benefit of being extensively validated with published data for actual pathogen growth in foods. For example, the ComBase database contains 20 growth rates for *Lm* growth in foods, between 8°C and 12°C, pH 6.5 to 7 and water activity between 0.99 and 1.00. In almost every case the ComBase growth rate prediction was equal to or faster than the actual measured growth rate in the food product. In a related analysis, *Lm* is known to be a risk in processed meats. The ComBase database contains 153 potential data sets on *Lm* in processed meats. From those 153 data sets (growth curves), 68 showed growth or were in the range encompassed by the model, further demonstrating good validation of the ComBase model.

Additionally, when making the calculations below, four safety factors were built in:

- The scenario assumes the food is held at 45°F or 50°F for the complete time. It does not take into account the time at which the food is less than 45°F or 50°F as it equilibrates with the ambient or surrounding temperature.
- The model assumes ideal growth conditions in the food.
- The model assumes no lag time, even though most scientific literature does show a lag time for Lm growth in foods.

- The model assumes all food, both raw and RTE, contain Lm at the onset even though RTE foods should not contain pathogens.

The FDA Position Paper in support of using time and temperature for public health control of PHF (TCS) food can be found in the Food Code *Annex 3 - Public Health Reasons/Administrative Guidelines, 3-501.19, Using Time as a Public Health Control (419-422).* The same assumptions used to support *Time as a Public Health Control* in the current Food Code were considered in developing this proposal. Some relevant points from the position paper that provided assumptions for the proposal are cited below:

- Food held without temperature control equilibrates with the environment. Most models are based on the assumption that the food product spent all of the time at the highest temperature. Obviously food equilibrates with the surrounding environment at a gradual rate and would not equilibrate instantly. This assumption adds an extra margin of safety into the predictive models.
- When evaluating the safety of time and temperature control, parameters must be selected to create a conservative (fail-safe) scenario for the potential for pathogen growth.
- When evaluating pathogen growth in refrigerated PHF (TCS) food, it is recommended to use *Listeria monocytogenes (Lm)* is the primary organism of concern due to its psychotropic properties.
- A 1-log growth increase in *Lm* should be used as the critical limit.

To establish the most fail-safe approach to disposition, it was decided to use the data from the ComBase predictor (with no lag time) because it resulted in more conservative estimates and because the model is extensively validated. The conservative time/temperature parameters discussed above should provide a fail-safe system for determining the safe disposition of refrigerated PHF (TCS food) that exceeds 41°F.

However, because this recommendation is intended to provide procedures whereby food can be restored to 41°F and safely sold, the authors opted to use an even more conservative margin of safety. Therefore, the decision was made to use the ComBase predictor for time/temperature combinations that would result in a 0.5-log increase in *Lm*. These results show the time needed for a 0.5-log growth increase in *Lm* at 45°F (7.2°C) and 50°F (10.0°C) is 15 hours and 9 hours, respectively (Table 1, located at Reference #3 on the list of Attachments).

A half-log is generally accepted as the resolution limit of microbial testing, resolution being the capability of making distinguishable two sets of results. The National Advisory Committee on Microbiological Criteria for Foods (NACMCF, 2010, JFP 73:140-202) has, in general, used <1 log as the criteria for determining the absence of measurable growth of pathogens of concern[4] (See Reference #4 on the list of Attachments) Furthermore, in the same publication, NACMCF has stated that the growth of pathogens at less than a 1-log increase "reflects the inherent variation that exists with enumeration of microorganisms." [4] (See Reference #4 on the list of Attachments)

Using a half-log increase as the critical limit means that the disposition criteria are based on the assumption that food which is allowed to exceed 41°F for a specified time and returned back to 41°F within a specified time will have the same microbiological profile as that which was maintained at 41°F for the same period of time. In other words, there is essentially no microbiological difference, and no increased risk, in the food continually held at 41°F and that which is handled according to the recommended disposition criteria. The ComBase predictor model was again used to verify these time/temperature combinations,

only using a 0.5-log Lm growth increase (Table 1, located at Reference #3 on the list of Attachments.) All other assumptions remained the same.
The new provision would allow refrigerated PHF (TCS food) that has been held up to 45°F and brought back to 41°F in a total of 15 hours or, held up to 50°F and brought back to 41°F in a total of 9 hours, to be sold. At these times and temperatures, there is a significant safety margin, especially when using a half-log *Lm* increase as the critical limit.

Recommended Solution: The Conference recommends...:
1. that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended using strike through to remove language and underline for new language as follows:
Food Code Part 3-7 *Contaminated Food* be renamed *Disposition of Food* as follows:
3-7 ~~Contaminated Food~~ Disposition of Food
AND:
Subpart 3-701 be renamed *Disposition of contaminated food;* the Sections and Paragraphs A-D under 3-701 remain the same; and a new Subpart 3-702 be added named *Disposition of Refrigerated PHF (TCS food)* as follows:
Subparts

- 3-701 Disposition of Contaminated Food
- 3-702 Disposition of Refrigerated PHF (TCS food)

AND:
The new Subpart 3-702 will include a Section and Paragraphs explaining the time/temperature parameters that can be used when determining the disposition of refrigerated PHF (TCS food) held at temperatures above 41°F but still eligible for sale as indicated below:
3-702 Disposition of Refrigerated PHF (TCS food)
3-702.11 Determining when Refrigerated PHF (TCS food) can be Safely Sold Following an Increase in Cold Holding Temperature
(A) Refrigerated PHF (TCS Food) can be safely held and sold at temperatures above 5°C (41°F) provided:
(1) Written procedures are in place to specify the methods used to demonstrate compliance with Subparagraphs B and C of this section
(B) Refrigerated PHF (TCS food) can be held and sold at a temperature up to 7.2°C (45ºF) provided:
(1) The total time during which the food is above 5°C (41°F) but not over 7.2°C (45ºF) is 15 hours or less
(2) By the end of 15 hours the food has returned to 5°C (41°F) or lower
(3) The food shall be monitored to ensure the warmest portion of the food does not exceed 7.2ºC (45ºF) during the 15-hour period, unless an ambient air temperature is maintained that ensures the food does not exceed 7.2ºC (45ºF) during the 15-hour period;
(4) The food shall be destroyed if at the end of 15 hours the food is not at 5°C (41°F) or lower as described in subparagraph 1-3 above, unless using Section 3-501.19 *Time as a Public Health Control* to determine the disposition of the food.
(C) Refrigerated PHF (TCS food) may be held and sold at a temperature up to 10°C (50ºF) provided:

(1) The total time during which the food is above 5°C (41°F) but not over 10.0°C (50°F) is 9 hours or less
(2) By the end of 9 hours the food has returned to 5°C (41°F) or lower
(3) The food shall be monitored to ensure the warmest portion of the food does not exceed 10.0°C (50°F) during the 9-hour period, unless an ambient air temperature is maintained that ensures the food does not exceed 10.0°C (50°F) during the 9-hour period*;*
(4) The food shall be destroyed if at the end of 9 hours the food is not at 5°C (41°F) or lower as described in subparagraph 1-3 above, unless using Section 3-501.19 *Time as a Public Health Control* to determine the disposition of the food.
AND:
2. The Conference further recommends revising the *CFP Emergency Action Plan for Retail Food Establishments, Interruption of Electrical Service, Part III. Recovery*, on page 10, by removing the table labeled "Cold Foods Internal Temperature Guidance" and replacing it with the same language as above in the new Food Code Subpart 3-702 *Disposition of Refrigerated PHF (TCS food)*.

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Attachments:

- "References cited in Attachment: "Disposition of Refrigerated TCS Food""

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Conference for Food Protection
2012 Issue Form

Internal Number: 115
Issue: 2012 III-022

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Revision of the 2006 CFP Listeria Retail Guidelines

Issue you would like the Conference to consider:
With FDA's support, the Food Safety and Inspection Service is recommending the formation of a CFP Committee to revise the 2006 CFP "Voluntary Guidelines of Sanitation Practices Standard Operating Procedures and Good Retail Practices to Minimize Contamination and Growth of *Listeria monocytogenes.*" The guidelines should be revised to reflect new information on sanitation of slicers, harborage points for *Lm* at retail, and specific *Listeria* sampling protocols for retail facilities. In addition, the 2009 FDA Food Code Annex 2 (References, Part 3-Supporting Documents) should be amended to include a reference and summary of the revised guidelines.

Public Health Significance:
Listeria contamination at retail continues to be a significant public health issue.
Since the CFP *Listeria* retail guidelines were issued in 2006, new information has been published regarding risk from listeriosis from retail products. In 2010, FSIS published a risk assessment[1] that found that of the listeriosis cases attributed to deli meat, most (approximately 83%) were associated with deli meats sliced at retail. In addition, FDA has issued sanitation guidance for slicers, stating that recent foodborne illness outbreaks have been associated with commercial deli slicers that are difficult to clean and sanitize. Also, new information has been published identifying sources of *Lm* harborage and cross contamination, and demonstrating that *Lm* can survive in the environment of retail delis for more than a year.[2] This information indicates that sampling for *Lm* at retail can be an important tool for retailers to identify and address *Lm* contamination in retail delis and develop focused approaches to prevent deli products from becoming contaminated.
Although the 2006 CFP *Listeria* retail guidelines provided general information about cleaning and sanitizing and sampling in the retail environment, it did not provide steps for cleaning and sanitizing slicers, specific sites of harborage or cross contamination for *Listeria*, or sampling protocols for *Lm* in the retail environment. Therefore, FSIS and FDA jointly recommend that the CFP retail guidelines be revised to better address this new information. By forming a committee to revise the guidelines, CFP can ensure that view-points from a wide variety of backgrounds are considered and that the guidelines provide the best possible information to help retailers protect public health.

[1] FSIS Comparative Risk Assessment for *Listeria monocytogenes* in Ready-to-eat Meat and Poultry Deli Meats, 2010, found at: http://www.fsis.usda.gov/PDF/Comparative_RA_Lm_Report_May2010.pdf.
[2] Sauders, B.D. et al. Prevalence and Molecular Diversity of *Listeria monocytogenes* in Retail Establishments. Journal of Food Protection, Vol. 72, No. 11, 2009, Pages 2337-2349. Found at: http://www.ingentaconnect.com/content/iafp/jfp/2009/00000072/00000011/art00015.

Recommended Solution: The Conference recommends...:
that a CFP Committee be created to revise the 2006 CFP "Voluntary Guidelines of Sanitation Practices Standard Operating Procedures and Good Retail Practices to Minimize Contamination and Growth of *Listeria monocytogenes*" to incorporate the following:
1. Sanitation guidance for slicers,
2. Information on cross contamination and harborage points for *Lm,*
3. More detailed information about how sampling for *Lm* can be conducted as part of a strategy for preventing *Lm* contamination at retail,
4. Updating outdated links to other documents, and
5. Other relevant information identified by the Committee.
The Conference also recommends that the Committee report recommendations back to the 2014 Biennial Meeting with Issues to address the charges and include recommendations that a letter be sent to FDA requesting that Annex 2 (References, Part 3-Supporting Documents) be amended by adding a reference to the revised voluntary guidelines.

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Conference for Food Protection
2012 Issue Form

Internal Number: 107
Issue: 2012 III-023

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Amend FDA Food Code Section 3-403-11(C)

Issue you would like the Conference to consider:
The 2009 FDA Food Code Section 3-403.11(C) addresses the reheating for hot holding of product that was received already fully cooked and packaged to prevent contamination during distribution. Product users may remove less than full case quantity out of the package to prepare at a single time. This leaves identical product in the freezer/cooler in a non-intact package. Manufacturers of this type of product and national and regional chain foodservice outlets have expressed concern that the code as stated can and is interpreted that the 135°F reheating temperature is no longer adequate once that package is opened and the provision of Section 3-403.11(C) no longer applies. Since remaining product must then be cooked to 165°F, some chains have taken the position to only have one cook procedure and then cook all products to 165°F for hot holding and therefore dramatically change the quality of the products.

Public Health Significance:
These products were processed under food processing regulations covering the lethality for vegetative pathogens as well as the cooling and/or stabilization of the product after cooking to control C. botulinum and C. perfringens germination and outgrowth. This same product from a previously opened package can also be heated to any temperature for immediate service in response to an individual consumer order per Section 3-403.10.
The following was supplied by FDA Food Specialist John Marcello in response to my enquiry on interpretation of Section 3-403.11(C).
"The cooked meat products and chicken patties have received a thermal process that reduces or eliminates all bacterial pathogens to an acceptable level. The commercially processed, ready-to-eat, packaged cooked meat and chicken patties have received a controlled cooking process that destroys vegetative bacterial cells and a controlled cooling process that prevents the germination of any spores present. Packaging prevents recontamination and refrigeration (freezing in the scenario you submitted) prevents spore germination. Because of the low levels of contaminations in both types of products, a reheating temperature of 135°F is considered safe and adequate prior to hot holding.
Any remaining portions of cooked meat or chicken patties that were not removed from the original package of commercially processed food, may still be reheated to 135°F. for hot

holding provided it has been held under refrigeration at 41°F or below (or as in the scenario you provided - frozen) at all times; had no bare hand contact; clean and sanitized utensils were used to dispense and process the products; and the packaging was covered/closed to prevent re-contamination. This seems to me something that can be accomplished with reasonable care.

If any remaining portions of the cooked meat products or chicken patties are held above 41°F, such as a "working supply;" cross contaminated; reheated then cooled; or in some other way had the potential for bacterial levels to increase from recontamination and/or proliferation; the reheating temperature should be 165°F for 15 seconds or the product should be discarded depending on the situation.

While there may be some limited potential for recontamination of the cooked meats or chicken patties during opening and removal of the first portion, reclosing/recovering the package/container and holding the product under refrigeration (frozen) prevents any increase in bacterial numbers (proliferation)."

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA requesting Section 3-403.11(C) of the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (new language is underlined):

(C) Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant, shall be heated to a temperature of at least 57°C (135°F) for hot holding. [P] Product, cooked chicken tenders as an example, that remains after the original package is opened may still be heated to 57°C (135°F) for hot holding provided the product continues to be held under refrigeration at 5°C (41°F) or below at all times; had no bare hand contact; clean and sanitized utensils were used to dispense and process the products; and the packaging was covered/closed to prevent re-contamination.

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Conference for Food Protection
2012 Issue Form

Internal Number: 055
Issue: 2012 III-024

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Cleaning of Food Contact Surfaces between Raw Animal Foods

Issue you would like the Conference to consider:
Deleting the allowance to use food contact surfaces with different types of raw animal foods without intermediate cleaning and sanitizing.
Annex 3, Public Health Reason, for the 2009 FDA Food Code Section 4-602.11 reads, in pertinent part:
"Regarding the possible adulteration from one species of meat to another between cleaning of food-contact surfaces, USDA/FSIS (Food Safety and Inspection Service) does not automatically consider species adulteration as a health hazard. FSIS stated in an Advance Notice of Proposed Rulemaking that species adulteration falls into a gray area between safety and economic adulteration (65 FR 14486, March 17, 2000, Other Consumer Protection Activities). FSIS will review public comments received on the species adulteration issue and further review the scientific literature and risk assessment mechanisms before declaring species adulteration a health hazard. Meanwhile, species adulteration is generally considered by FSIS as an economic issue. However, investigations by FSIS of species adulteration incidents may include a determination regarding the impact of species adulteration as a health hazard on a case-by-case basis."
Annex 3, Public Health Reason, for the 2009 FDA Food Code Section 3-302.11 reads, in pertinent part:
"In addition, raw animal foods having the same cooking temperature, such as pork and fish, shall be separated from one another during storage and preparation by maintaining adequate spacing or by placing the food in separate containers because of the potential for allergen cross-contamination or economic adulteration via inadvertent species substitution."

Public Health Significance:
The provisions described above may result in cross contamination of foods with allergens as well as possible economic adulteration.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (deleted language shown with strike-through):

Section 4-602.11(B)

~~(B) *Subparagraph (A)(1) of this section does not apply if the food-contact surface or utensil is in contact with a succession of different raw animal foods each requiring a higher cooking temperature as specified under § 3-401.11 than the previous food, such as preparing raw fish followed by cutting raw poultry on the same cutting board*.~~

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Conference for Food Protection
2012 Issue Form

Internal Number: 047
Issue: 2012 III-025

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Dual-step hand cleanse-sanitize protocol without water

Issue you would like the Conference to consider:
Safe and proper changing of single-use gloves at catered events where potable running water is unavailable, is a current danger to public health. Hands must be washed before donning gloves per 2009 FDA *Food Code*, Section 2-301.14(H).
An effective hand cleansing, "equivalent or superior to hand washing with soap and water" (per *Journal of Food Protection*, Vol. 73, No. 12, 2010, Pages 2296-2300, attached) as specified in Section 2-301.12 of the *FDA Food Code*, can be achieved by using alcohol-based hand antiseptic first as a soap substitute to loosen contaminants with a 15 second scrub cycle, followed by their removal onto a single-use paper towel. This cleaning step is followed by a high impact kill step, applying the hand sanitizer to the pre-cleaned hand and allowing it to air dry per label instructions.
The latest testing of this hand cleansing/degerming technique shows it to be effective in the presence of organic food soils and if norovirus is the target pathogen, norovirus-effective sanitizers are available.(See attachment titled *Comparison of the Activity of Alcohol-Based Handrubs Against Human Noroviruses Using the Fingerpad Method and Quantitative Real-Time PCR*)
This adds an additional safety factor to support incorporation of the method into food safety practices. It gives operators a choice and its simplicity and portability adds to compliance. This protocol is not a substitute for handwashing in stationary facilities where cleaning can be accomplished per Section 2-301.12. The economics keep this innovation reserved for special situations.
[Note: After the near unanimous vote for adoption by Council III , a similar issue, III-027, was extracted during the Assembly of Delegates, citing the need for additional testing which has now been concluded along with an additional four years of field testing under the guidance of the Southern Nevada Health District (SNHD). SNHD also cleared this intervention for school foodservice use during water outages, and it has been in use for the past two years.]

Public Health Significance:
Potential contamination of ready-to-eat foods is increased in situations where access to soap and potable running water is limited or simply unavailable. The new proposed option

increases the likelihood of effective hand degerming in those situations, including its use between single-use glove changes.

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended as follows (new language shown with underline and deleted language shown with strike-through):
5-203.11 Handwashing Sinks (A)(B)
(C) If approved, when food exposure is limited and handwashing sinks are not conveniently available, such as in some mobile or temporary food establishments or at some vending machine locations, employees may use chemically treated towelettes for handwashing or a regimen of sequential application of hand antiseptic wherein the first application is treated as a handwash with full scrubbing action for 15 seconds and then, while wet, wiped off with a single-use paper towel, immediately followed by a second application which is allowed to dry per standard label instructions. (i) Said hand antiseptic shall meet requirements of 2-301.16. Said hand antiseptic shall have supporting test data indicating statistical equivalence to a standard handwash in hand degerming.

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Attachments:

- "Comparison of the Activity...Handrubs Against Human Noroviruses"
- "SaniTwice: A Novel Approach to Hand Hygiene ..."
- "Comparative Efficacy of Alcohol Hand Sanitizers...against Noroviruses..."

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Conference for Food Protection
2012 Issue Form

Internal Number: 045
Issue: 2012 III-026

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Expanded Use of Time Only as a Public Health Control

Issue you would like the Conference to consider:
The provision in Section 3-501.19 for use of Time as a Public Health Control (TPHC) requires potentially hazardous food time/temperature control for safety (PHFTCS) food be taken from temperature control (have an initial temperature of 5ºC (41ºF) or 57ºC (135ºF). This requires ambient temperature FOODS that become PHFTCS during preparation (such as opening a hermetically sealed container, cutting PHFTCS produce or mixing garlic and oil, etc) to undergo cooling before TPHC is allowed. Expanding the provision, would allow for use of TPHC immediately after preparation (when foods are at ambient temperatures).

Public Health Significance:
The relationship between Time AND temperatures has long been recognized as boundaries of retail food safety because they effectively prevent the growth of foodborne pathogens ((below 41ºF (5ºC) and above 135ºF (57ºC)) or lead to microbial inactivation (above 135ºF). Food Code provides science based guidance for steps in the flow of food (preparation, cooking, cooling, reheating, TPHC where PHFTCS will be exposed to temperatures above 41ºF and below 135ºF.

Proper Cooling requirements (Paragraph 3-501.14(B)) allow for food taken from ambient temperatures (such as hermetically sealed containers, or ambient temperature whole uncut PHFTCS produce) to be cooled to 41ºF within 4 hours. These products are considered Ready-to-Eat and safe for consumption as long as they comply with date marking provisions §3-501.17).

There is currently no provision in Section 3-501.19 to allow for ambient temperature foods that become PHFTCS during preparation to be held under TPHC. There are situations (e.g. opening a hermetically sealed container, cutting PHFTCS produce or mixing garlic and oil) in the flow of food where foods may be taken from ambient temperatures and served to the public within the time frame allowed for proper cooling.

The position paper included in the TPHC Section (3-501.19) of the Public Health Annex (3) supports the allowance of this process (use of TPHC as specified in the Food Code) stating that current time frames (for using TPHC) were "selected to create a worst-case scenario for pathogens growth and possible toxin production." The paper further states that "the 4-hour limit for keeping foods without temperature control allows for a needed margin of

safety if the temperature of the environment is higher than 75ºF" with the assumption that "these foods can reach any temperature as long as they are discarded or consumed within the four hours."

Recommended Solution: The Conference recommends...:
that a letter be sent to the FDA requesting the 2009 Food Code (as modified by the Supplement issued in 2011) be amended to include new language to Section 3-501.19 as indicated below in underlined format:

(B) If time temperature control is used as the public health control up to a maximum of 4 hours:

(1) Except as specified in Subparagraph (a), the food shall have an initial temperature of 5ºC (41ºF) or less when removed from cold holding temperature control, or 57°C (135°F) or greater when removed from hot holding temperature control; P

(a) FOOD may be at ambient temperatures if it becomes POTENTIALLY HAZARDOUS during preparation, such as opening a hermetically sealed container or cutting POTENTIALLY HAZARDOUS plan foods.

(3) The food shall be cooked and served, served at any temperature if ready-to-eat, or discarded, within 4 hours from the point in time when the food is removed from temperature control or becomes POTENTIALLY HAZARDOUS; P and

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Conference for Food Protection
2012 Issue Form

Internal Number: 108
Issue: 2012 III-027

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Food Guards

Issue you would like the Conference to consider:
The 2009 FDA Food Code Section 1-103.1 states that THE CODE sets standards for FOOD EQUIPMENT, among other things. Section 3-306.11 provides criteria for the protection of ready to eat (RTE) food from the consumer, and this is shown to be a "Priority item"(^{P}). Sections 4-1 and 4-2 of Chapter 4 are intended to provide minimum reasonable safety criteria for foodservice EQUIPMENT. Therefore, the CODE should establish the minimum safety criteria for FOOD GUARDS and the criteria should be based on the science of preventing disease transmission. Currently, the CODE only refers in section 4-205.10 to an ANSI-accredited program for acceptability, stating that ANSI sanitation certified equipment is "deemed to comply" with the code. Recent changes to ANSI standards are not based on the science of preventing disease transmission and should be subject to criteria established by the conference and documented in the CODE.

Public Health Significance:
Because FOOD guards ^{P} comprise a Priority item in the 2009 FDA FOOD CODE, reasonable minimum safety criteria should be developed by the Conference. These new criteria will provide direction for ANSI's sanitation standards development organizations (SDO's) regarding the FOOD CODE's organisms of concern and guide all revisions to the standard criteria accordingly. Establishing reasonable minimum safety criteria is rightly the scope of the FDA FOOD CODE, whereas ANSI and/or ISO equipment standards are intended to establish best practice criteria for equipment cleanability and durability.
The 2008 ANSI NSF Std 2 section 5.35 "FOOD Shields" standard criteria currently in use is complex and confusing for all stakeholders. The results are very expensive food guard structures that burden the food service operators with unnecessary costs and equipment that often interferes with food service. As a result many operators struggle to purchase equipment that can be adjusted into compliance for inspections and adjusted out of compliance for daily use. There are additional costs to all local jurisdictions as their agents attempt to enforce compliance with the standards and the required measurement calculations. This creates a distraction from risk-based inspection and presents an undue burden to the entire industry. Much if not all of the overly burdensome minutia of the current ANSI NSF Std 2 for food shields lacks validated scientific review or data, and though

current food shield standard criteria may be perceived to theoretically reduce the risk associated with transmission of virus particles from a cough or sneeze, these do not comprise food borne disease organisms of concern and there is no data to suggest the current ANSI NSF Std 2 criteria reduces the risk of disease transmission. It is interesting to note that the food shield is only required on the guest's side of the buffet and not on the server's side, yet the risk of disease transmission from an ill worker is well established by scientific data.

Recommended Solution: The Conference recommends...:

that a Committee be created to:

1. evaluate CDC statistical data relating to risk factors for consumer cross-contamination and disease transmission associated with buffet service,
2. report Committee findings back to the 2014 Biennial Meeting, and
3. recommend revisions to FDA Food Code Chapter 4 by submitting the proposed language in Issues to the Conference.

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Conference for Food Protection
2012 Issue Form

Internal Number: 096
Issue: 2012 III-028

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Acrylamide Management in Retail Preparation of Processed Potato Products

Issue you would like the Conference to consider:
Since acrylamide's discovery in heated food products in 2002, Frozen Potato Products Institute (FPPI) members have invested significant resources in the exploration of acrylamide in processed potato products, as well as methods to reduce or mitigate the accumulation of acrylamide in finished products. This investigation has been and continues to be among the highest priorities for FPPI members.

As the majority of acrylamide is formed during preparation of processed potato products, most of the variability in the recorded levels of acrylamide is a result of differences in cooking method, time and temperature. Variability in cooking apparatuses (e.g., oven and fryer calibration, temperature cycling in ovens, variability in microwave oven wattage) can contribute to variability in the recorded levels of acrylamide in finished products. Similarly, variability in the incoming electrical power to the cooking equipment can contribute to inconsistencies in recorded levels of acrylamide. Slight differences in cooking conditions or product composition (even slight differences in the heat distribution during cooking or raw product from different parts of the process year) can also lead to major differences in acrylamide levels-as much as several multiples between different samples of the same product that have been prepared under the same conditions.

Customer and consumer expectations of color, texture and flavor (hereinafter referred to as "sensory" properties) of processed potato products, particularly French fries, are specific and distinct, and manufacturers implement precise processing techniques to produce products consistent with the taste, color and texture specifications of their customers and consumers. An effective and successful acrylamide mitigation technique must result in meaningful reductions in acrylamide levels; adhere to food safety requirements; contain only ingredients that are permitted for use; be able to implement at the factory level; be cost effective; and deliver a product that consistently meets the specific sensory requirements of customers and consumers.

Since 2002, to the extent that they can be applied safely and without undesired side effects, frozen potato processors presently employ several mitigation techniques, and have, as a result, achieved reductions in acrylamide levels in their products. In 2005 and 2006, members of the U.S. frozen potato product processing industry cooperated in the development of the Confédération des Industries Agro-Alimentaires de l'UE/Confederation

of the Food and Drink Industries of the EU (CIAA) Acrylamide "Toolbox," which continues to serve as a guiding instrument in U.S. efforts to identify effective techniques for the mitigation of acrylamide in foods. CIAA "Toolbox" recommendations for the reduction of acrylamide in processed potato products include measures performed at the agronomical, processing and final preparation stages of processing and as described below.

As mentioned previously the majority of acrylamide is formed during preparation of processed potato products, FPPI would recommend the Conference consider CIAA "Toolbox" recommendations for the retail-foodservice preparation of processed potato products, particularly French fries, to assist with the reduction of acrylamide in processed potato products. In addition, FPPI has created materials in the forms of training videos and a poster that could further aid in helping educate the retail-foodservice industry about measures that can be employed in the storage, preparation, and cooking to assist with acrylamide reduction.

Public Health Significance:

Background

Although some of this research has resulted in successful mitigation methods that have been implemented in the processing of potatoes, the research is incomplete and ongoing. Acrylamide is naturally occurring in many cooked, high-carbohydrate, plant-based foods. It is not a food additive, nor does it come from packaging. Though only recently discovered, it is not a new substance and has been present since humans began cooking foods. Acrylamide forms as food "browns" during high-heat cooking methods, such as frying, grilling, roasting, baking and toasting. Acrylamide has been shown to cause cancer in lab animals when exposed for their lifetimes at very high levels - 1,000 to 10,000 times the acrylamide found in foods; its effect on human health is being investigated, though there is not yet sufficient data to make an official determination. No health authority has recommended any changes in the diet because of acrylamide. Because it can be present in such a wide variety of foods, from coffee, bread, cereal, nuts, potato chips, and French fries to even some cooked fruits and vegetables, it is important to maintain a healthy, balanced diet. There is greater formation of acrylamide in food products that are heavily browned or crisped as a result of cooking. Consumers should fry, grill, bake, roast and toast foods to the lightest acceptable color to reduce the formation of acrylamide at home.

Agronomical Control

Manufacturers have sought to reduce acrylamide levels first by controlling the levels of reducing sugars in raw potatoes. Reducing sugars are among the key reactants in the formation of acrylamide, so controlling sugar content is one of the primary means by which the industry has achieved a reduction in acrylamide levels in processed potato products. All process varieties of potatoes are selected for their low reducing sugar content with a goal of lowering sugars through raw material sourcing, and several additional varieties are under consideration for use. Each is currently being evaluated for its acrylamide formation tendencies. Assessing the quality of a new potato variety for processing and its acrylamide-forming tendencies, however, requires significant time and resources; it can take up to 10 years or longer to develop and evaluate new varieties. Generally, only mature potatoes are considered for processing, as they contain fewer reducing sugars than do young potatoes.

Manufacturers also seek to reduce the formation of acrylamide in frozen potato products by storing and transporting raw potatoes at the "Toolbox" recommended temperature of >6°C or >43°F to suppress build-up of reducing sugars. Continually circulated, tempered air

throughout the storage facility helps ensure the potatoes remain dry and the gas mixtures appropriate. Consistent with Good Agricultural Practices (GAP), sprout suppressant is applied when evidence of sprouting is observed, as sprouting causes potatoes to convert starch to sugar.

Processing

Acrylamide is formed during the Maillard reaction, which is the predominant chemical process determining color, flavor and texture in many cooked foods. Specifically, acrylamide is formed by the reaction of two main components, each occurring naturally in potatoes: free asparagine and reducing sugars. Asparagine is the main free amino acid found in potatoes, and can account for 20 percent to 60 percent of the total free amino acids found in potatoes. Flavor evaluations also show that asparagine has a significant impact on French fry flavor.

Manufacturers have explored many techniques for reducing acrylamide during the processing of potato products, including frying conditions, blanching, acidification and the use of other additives. Par-frying has been shown to have little or no effect on the level of acrylamide found in finished potato products. Blanching, however, can be effective in removing excess reducing sugars and thus lowering acrylamide formation in finished products.

The use of sodium acid pyrophosphate (SAPP) is standard industry practice for reducing after-cooking darkening. The application of SAPP has also demonstrated some ability to reduce acrylamide in finished products. Its efficacy as an acrylamide mitigating agent, however, is limited by the development of bitter "off" flavors that increase as the concentration of SAPP increases. Accordingly, use of SAPP above current industry standards is not a viable mitigation strategy.

Asparaginase, an enzyme that converts asparagine to aspartic acid, thereby reducing asparagine and thus potential for the formation of acrylamide in foods, has been tested with limited success on some products in a laboratory setting. Asparaginase has also been tested at factory scale on a limited basis; however, additional testing is required to determine its efficacy as an effective acrylamide mitigant.

Preparation

As the majority of acrylamide is formed during final preparation of frozen potato products, the industry has taken steps to reduce acrylamide by lowering the recommended preparation temperature on on-pack cooking instructions, and eliminating certain methods of preparation from use. For foodservice, the cooking instructions on par-cooked frozen potato products have been changed to reflect a reduced recommended frying temperature from 360°F to 345°-350°F.

The primary methods of preparing retail frozen potato products are oven baking and stovetop skillet frying. On-pack baking instructions on retail products are being optimized to reduce acrylamide formation and maintain product quality. Still other preparation methods, such as toaster oven cooking, have been eliminated for some retail products, as these methods can produce acrylamide levels in finished products at significantly higher levels than do other cooking methods.

Intensity of browning during cooking is a significant variable determining the level of acrylamide present in a finished product. The frozen potato products industry, therefore, has attempted to encourage over time a change in customer and consumer perceptions and expectations of the color of prepared French fries from "golden brown" to a "golden

yellow" or "light golden" color. FPPI expects this action to help reduce acrylamide exposure over time.

To that end, cooking instructions for retail products prepared in the oven now include cautionary statements such as the following:

- Do not overcook.
- Cook to a golden yellow or light golden color.
- When cooking small amounts, reduce the cooking time.

Conclusion

The food industry, the scientific community and many global government entities are all investigating the prevalence of acrylamide in the human diet, the possible effects of acrylamide on human health and ways to reduce the formation of acrylamide during the cooking process.

Potato growers are growing potato varieties that contain lower levels of sugars, which lead to lower levels of acrylamide during cooking. Growers are also adjusting potato storage temperatures to keep sugar levels low.

Food manufacturers, including potato processors, are incorporating best manufacturing practices to reduce acrylamide formation in food, including reformulating products; increasing moisture levels during processing (blanching); lowering cooking times and temperature levels during processing (par-frying); and providing specific instructions to consumers on packaging, like "cook to a light golden color."

FPPI member companies continue to research strategies and techniques to reduce the formation of acrylamide in its products. The frozen potato products industry is also undertaking efforts to educate consumers and restaurant operators about ways to reduce acrylamide in French fries during the cooking process.

Food producers continue to innovate and find new ways to improve the health and safety of their products. The frozen potato industry is committed to working with the scientific community and government agencies around the world to address the presence and reduction of acrylamide in food.

Recommended Solution: The Conference recommends...:

The frozen potato products industry would support efforts to provide guidance to retail-foodservice operators and consumers on proper preparation (e.g., temperature and time) to aid in the reduction of acrylamide based on easily recognized product characteristics, such as color.

- that the Conference review all relevant documents contained in the CIAA "Toolbox" recommendations for the retail-foodservice preparation of processed potato products, particularly French fries, to determine if the materials can be added to the CFP web site to provide assistance to this sector with the reduction of acrylamide in processed potato products.

In addition, FPPI has created materials in the forms of training videos and a poster that could further assist in education efforts for the retail-foodservice industry about measures that can be employed further in the storage, preparation, and cooking to assist with acrylamide reduction. We recommend the Conference review these materials to determine if there is value in adding these resource tools as links or attachments on the CFP web site."

- that the Conference posts on the CFP web site the links to acrylamide resources that could aide in educating the retail-foodservice industry about measures that can be employed in the storage, preparation, and cooking to assist with acrylamide reduction in processed potato products. These links would include:

European Commission Directorate - General for Health and Consumers
http://ec.europa.eu/food/food/chemicalsafety/contaminants/ciaa_acrylamide_toolbox09.pdf
U.S. Food and Drug Administration
http://www.fda.gov/Food/FoodSafety/FoodContaminantsAdulteration/ChemicalContaminants/Acrylamide/UCM053569
Codex CODE OF PRACTICE FOR THE REDUCTION OF ACRYLAMIDE IN FOODS, (CAC/RCP 67-2009).
www.codexalimentarius.net/download/standards/11258/CXP_067e.pdf
Joint FAO/WHO Expert Committee on Food Additives (JECFA): Seventy-second meeting, Rome, 16-25 February 2010.
http://www.who.int/foodsafety/chem/summary72_rev.pdf.
Frozen Potato Products Institute's "Know Your Fries" poster and educational videos about Fryer Management for Acrylamide Reduction available in both English and Spanish (see https://www.yousendit.com/dl?phi_action=app/orchestrateDownload&rurl=https%253A%252F%252Fwww.yousendit.com%252Ftransfer.php%253Faction%253Dbatch_download%2526batch_id%253DT2djclVBMm1Fd2ZtcXNUQw).

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Attachments:

- "Know Your Fries Poster, English"

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Conference for Food Protection
2012 Issue Form

Internal Number: 118
Issue: 2012 III-029

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Public Release of Food Allergy Resource Document

Issue you would like the Conference to consider:
Public release in 2012 of the eagerly anticipated food allergen management guidelines, being reviewed by the CFP Food Allergen Committee as directed in Issue 2010 III-001, and in accordance with the Food Allergen Labeling Consumer Protection Act (FALCPA) "Section 209. Food Allergens in the Food Code" which states: *the Secretary of Health and Human Services shall, in the Conference for Food Protection, as part of its efforts to encourage cooperative activities between the States under section 311 of the Public Health Service Act (42 U.S.C. 243), pursue revision of the Food Code to provide guidelines for preparing allergen-free foods in food establishments, including in restaurants, grocery store delicatessens and bakeries, and elementary and secondary school cafeterias. The Secretary shall consider guidelines and recommendations developed by public and private entities for public and private food establishments for preparing allergen-free foods in pursuing this revision.*

Public Health Significance:
A significant number of food allergy reactions occur in restaurants/food service establishments.[i] [ii] [iii] In fact, in two published studies on *fatal* food allergy reactions, *almost half* were triggered by food served in or provided by restaurants / food service. Studies also show significant gaps in restaurants' understanding of food allergies. [iv] Restaurant employees generally receive little or no training on the serious nature of food allergy; reading ingredient labels; the importance of strict allergen avoidance; and avoiding cross-contact during food preparation.[v]
The intent of any guidelines should be allergen management.

i Vierk KA, Koehler KM, Fein SB, Street DA. *Prevalence of self-reported food allergy in American adults and the use of food labels.* J Allergy Clin Immunology 2007;119:1504-10.
ii Furlong TJ, DeSimone J, Sicherer SH. *Peanut and tree nut allergic reactions in restaurants and other food establishments.* J Allergy Clin Immunol 2001;108(5):867-70.
iii Greenhawt MJ, McMorris MS, Furlong TJ. *Self-Reported Allergic Reactions to Peanuts and Tree Nuts Occurring at Restaurants and Food Service Establishments*. Poster presented at the 2008 annual meeting of the American Academy of Allergy, Asthma & Immunology, March 14-18, 2008, Philadelphia, PA.

iv Aline R. Ajalaa, Adriano G. Cruza, Jose A.F. Fariaa, Eduardo H.M. Waltera, Daniel Granatob and Anderson S. Sant? Anab. *Food allergens: Knowledge and practices of food handlers in restaurants.* Food Control, Volume 21, Issue 10, October 2010, Pages 1318-1321.

v Ahuja R, Sicherer SH. *Food-allergy management from the perspective of restaurant and food establishment personnel.* Ann Allergy Asthma Immunol 2007;98:344-48.

Recommended Solution: The Conference recommends...:

public release in 2012 of the food allergen guidelines and recommendations developed by the 2010-12 CFP Food Allergen Committee for use by the CFP membership, and the food preparation and inspection communities.

The Conference further recommends that these documents:

- be posted to the CFP web site, and
- that a letter be sent to the FDA requesting dissemination on the FDA website.

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Conference for Food Protection
2012 Issue Form

Internal Number: 025
Issue: 2012 III-030

Council Recommendation:	Accepted as Submitted	_____	Accepted as Amended	_____	No Action	_____
Delegate Action:	Accepted	_____	Rejected	_____		

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Title:
Allergen Committee - Importance of Allergen Guidance to CFP Members

Issue you would like the Conference to consider:
The Allergen Committee has not progressed on any of its charges since the 2010 Biennial Meeting in Providence, Rhode Island. The committee chair did not submit a report for council at the 2012 Biennial Meeting. This Issue is submitted by the Executive Director on behalf of the Conference.

Public Health Significance:
The risk of allergic reactons to foods sold at retail food establishemts is of great concern to consumers and the retail food industry. Many avoidable injuries occur annually in the United States simply because retailers do not have sufficient information and guidance in the proper labeling and handling of potential allergens. Allergic reactions sometimes occur in pesons who consume ordinary foods sold legally throughout the United States. With proper labeling and handling practices retail food facility operators can minimize the potential for injuries and their liability resulting from unitended consumption of food allergens.

Recommended Solution: The Conference recommends...:
1. The disbanding of the CFP Allergen Committee in its current form. This Committee was not active, did not submit a final report for this Biennial Meeting, and the Committee charges assigned at the 2010 Biennial Meeting were not addresed.
2. The issue of prevention of allergic reactions in customers of retail food facilities continues to be a concern of the Conference; therefore, the Conference for Food Protection Executive Board is directed to reach out to interested groups to be better informed about food allergens and preventive measures for allergic reactions to food legally sold in retail food facilities.

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