

Conference for Food Protection – Committee FINAL Report

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COMMITTEE NAME: Certification of Food Safety Regulation Professionals (CFSRP)

COUNCIL or EXECUTIVE BOARD ASSIGNMENT: Council II

DATE OF REPORT: November 15, 2013 Revised 2/20/2014

SUBMITTED BY: Susan Kendrick and Ron Grimes

COMMITTEE CHARGE(s):

Issue #: Issue: 2012 II-026

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

Charge 1: Collaborate with the FDA Center for Food Safety and Applied Nutrition (CFSAN), the FDA Division of Human Resource Development (DHRD), 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 Contractual Regulatory Food Inspectors/Auditors.
- Identify any agency/organizations/working groups currently addressing education and training guidance documents for Contractual Regulatory Food Inspectors/Auditors.
- 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 Contractual Regulatory Food Inspectors/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 Workgroup'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.

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

COMMITTEE ACTIVITIES AND RECOMMENDATIONS:

1. Meetings and Workgroup Assignments:

The CFSRP Workgroup was charged with a great deal of significant work to be completed by the 2014 CFP Biennial meeting. In order for the workgroup as a whole to accomplish these charges, the workgroup was divided into smaller sub-workgroups centering on individual committee charges. Each committee member was asked to participate on at least one sub-workgroup. The CFSRP Co-Chair Susan Kendrick and Co-Chair Ron Grimes selected sub-workgroup chairs/co-chairs as follows:

<u>Workgroup</u>	<u>(Co) Leaders</u>	<u>Function</u>
Subgroup 1	Dave Read & Jeff Belmont	Work with FDA CFSAN, FDA DHRD, and PFP TCWG to determine if any new or existing training initiatives require changes to be made to Standard 2, Trained Regulatory Staff.
Subgroup 2	Ron Grimes & Susan Kendrick	Identify states contracting regulatory food inspections and assess what training or standardization is being required.
Subgroup 3	David Lawrence	Work in collaboration with FDA to address any comments from the 2012 Workgroup's pilot project report regarding changes that might need to be made to Standard 4 Uniform Inspection Program.

The CFSRP held all meetings by conference calls. The dates of the conference calls were: October 3, 2012; December 12, 2012; February 21, 2013; April 18, 2013; June 20, 2013; and October 17, 2013.

2. Charge 1:

- a. Charge: Collaborate with the FDA CFSAN DHRD and the PFP TCWG to determine if any new or existing training initiatives require changes to be made to Standard 2, Trained Regulatory Staff.
 - i. The FDA's Food Protection Plan, the President's Food Safety Working Group, and the passage of the Food Safety Modernization Act (FSMA) are major drivers for the development of the Integrated Food Safety System (IFSS) to ensure food safety in a cohesive and comprehensive manner. Collaboration and coordination of federal, state, tribal, and local food safety program efforts is essential for implementation of this system.
 - ii. The CFSRP Workgroup has members participating on the PFP TCWG. The workgroup was formed in 2008 as an outcome of the FDA/ 50 State Gateway to Food Protection meeting held in St Louis, MO. The PFP TCWG Committee's charges were to: Establish competencies and certification for all disciplines and establish a national training center.
 - iii. The PFP TCWG developed a plan to conduct Retail Food Safety Specialist Job Task Analysis (JTA) for food inspection positions that FDA initiated through a contract. A copy of the draft JTA of the Retail Food Safety Specialist DACUM (Developing a Curriculum) Chart was provided to this committee for review and input.

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b. Findings

- i. The PFP TCWG identified three projects to work on for 2013 and 2014 with plans to report on their progress at the next 50 State Meeting scheduled for August 2014.

(1) Project #1 - Survey current Integrated IFSS stakeholders to identify training needs and share the prioritized list of needs with DHRD, and other recognized training centers of excellence.

Intended results of this work - - Identify training needs and share the prioritized list of needs with DHRD, and other recognized training centers of excellence.

(2) Project #2 - Ensure the International Food Protection Institute (IFPTI) curriculum framework is complete and comprehensive for developing needed curricula.

Intended results from this work - - Use the competencies identified in the JTAs completed by FDA/DHRD to help define the specific content areas identified on the curriculum framework. Identify any gaps that may exist in the curriculum and recommend additional JTAs that may be needed.

(3) Project #3 - Begin to identify courses and certification programs that meet the needs of the curriculum framework.

Intended results from this work - - Review training courses currently offered by recognized centers of training excellence (such as DHRD) and assign specific courses to the appropriate content area on the curriculum framework. Also review the projects being worked on by DHRD's IFSS grantees and link the resulting on line and face to face training courses, curricula, and job aids to the appropriate content areas on the curriculum framework.

- ii. The FDA contracted with Professional Testing to conduct a DACUM Chart JTA for the FDA- Retail Food Safety Specialist. The Retail Food Safety Specialist JTA focused on the job of the FDA Retail Food Specialist. Due to the Paperwork Reduction Act of 1995, state and local regulators could not be utilized. To address this issue, the National Environmental Health Association (NEHA), a DHRD cooperative agreement grantee, recently completed a valid job task analysis (JTA) for state, local, territorial and tribal retail food inspectors that identify the competencies, duties, tasks and equipment necessary to conduct competent inspections in this program area within Cooperative Programs. The JTA was completed in the spring of 2013 and shared with Sub Group 1.

This JTA can now be utilized to update the entire retail food inspectors' curriculum for over 27,000 state, local, territorial and tribal retail food inspectors that currently consists of 9 classroom courses and the web courses in Standard 2, Trained Regulatory Staff, in FDA's Voluntary Retail Food Regulatory Program. The retail food curriculum is available at the Office of Regulatory Affairs University (ORAU) FDA website.

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- iii. DHRD in conjunction with NEHA and IFPTI has requested participation of experienced state, local, territorial and tribal retail food inspectors in a work group session to update the retail curriculum training courses. The work session was held in Rockville, MD November 18-20, 2013 at DHRD ORAU offices.
- iv. The FSMA Congressional Report – Ensuring a Safe Food Supply – April 2013- indicates a goal of basic training and certification requirements inclusive of state and local public health partners to the new prevention standards. This integrated Federal-State Food Safety System would need to establish standardized training and regulatory standards to ensure consistent oversight on a level playing field for food producers in addition to being legally defensible or withstand legal challenges.

c. KEY Points from the FSMA Congressional Report:

- i. **FSMA** was signed into law on January 4, 2011. FSMA directs the building of a new, modernized food safety system that works more effectively to prevent food safety problems and meets the challenges of today's global food system. Among its provisions is a directive to the Secretary of Health and Human Services to submit a comprehensive report to Congress that identifies programs and practices that are intended to promote the safety and supply chain security of food and to prevent outbreaks of foodborne illnesses and other food-related hazards that can be addressed through preventative activities. The report fulfills that directive and describes how the nation's capacity to prevent foodborne illness can be strengthened.
- ii. **Federal-State Integration** – A successful, integrated nationwide food safety system will not be possible without the involvement of state, local, territorial and tribal partners, who will work in partnership with Federal agencies to plan and implement consistent national inspection and enforcement programs. Congress has expressed concern that there is **significant variability among state inspection programs** and that information is not fully shared between states and Federal partners.
- iii. **Progress in the first two years:** FDA and the states are working together to develop consistent, nationwide standards for human and animal food inspection programs, to implement nationwide training and certification programs for inspectors, and to develop shared data platforms. Subject to the availability of funding to help the states effectuate integration, FDA is pursuing a path toward an integrated national system that includes these components: a) consistent national standards for food safety oversight, b) uniform national training of inspectors and joint inspection planning to make optimal use of state and federal resources, c) further integration and coordination among federal and state laboratories, d) expand sharing of inspection, compliance and lab data among FDA and its state and local partners, e) a coordinated national emergency response network, and f) performance standards for all parties that are audited for quality and remediation of weaknesses.
- iv. **Section 209 of the Food Safety Modernization Act, Title 1:** directs FDA to administer programs to improve the training of state and local food safety officials. It also authorizes and encourages FDA to partner with state and local officials on inspections and other efforts to ensure compliance with the food safety requirements under the Federal Food, Drug, and Cosmetic Act.

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v. **Uniform, national training and certification programs.**

A common concern echoed by food manufacturers and members of Congress has been the observation that regulatory activities, especially inspections and data collection, appear at times to differ among the many agencies at the state and Federal level. Thus, the need for **consistent training and certification** is evident, and FDA intends to make that a focus of its national integrated food safety system strategy. Already, FDA's Office of Regulatory Affairs has developed classroom and web-based training for state and local retail food inspectors, and in 2009 over 2,000 state, and local participants attended classroom training and over 11,000 enrolled in online training. That work is being expanded and enhanced by a joint effort with the IFPTI (created by the Kellogg Foundation, with additional specific funding from Congress provided for one year). A goal will be a nationwide set of baseline training and certification requirements for regulatory and public health partners at varying stages of their career and specialization; followed by the creation of a network of food safety training programs, provided through center of excellence among academic institutions, states and professional associations.

Training will be broad and cover all aspects of an integrated food safety oversight system – scientific expertise, best practices in conducting inspections, administrative processes and procedures, appropriate sampling and laboratory analysis methodology, and effective development of enforcement actions that will withstand legal challenges. As training expands, certification and proficiency testing programs will also need to expand, to ensure that state and local regulators can adequately demonstrate that they can perform the necessary core competencies. An accreditation approach will also be devised to ensure the quality of the training and that it is comparable and competent among all training providers.

A central and significant element of this investment will be in the training of state and local inspectors to meet national standards and inspect effectively within FSMA's new preventive controls framework.

Domestic Inspections - Improve and expand FDA's inspectional effort, with a focus on re-training FDA inspectors and its state and local public health partners to the new prevention standards.

Integrated Federal-State Food Safety System - Develop an integrated national food safety system that allows FDA and the states to respond more rapidly to food safety problems, eliminates any unnecessary duplication of regulatory activities by sharing information, and establishes standardized training and regulatory standards to ensure consistent oversight on a level playing field for food producers.

d. Charge 1 Recommendation:

The CFSRP Workgroup will review the results of the FDA, NEHA, and IFPTI review of the Retail Food Curriculum based on the Retail Food JTA to determine if changes are needed in Standard 2. The review by FDA, NEHA, and IFPTI will not be completed and reported in time for this Workgroup to make any recommendations to the 2014 CFP on changes to the standard.

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The Workgroup was unable to determine if revisions are needed in the CFP Field Training Manual and forms because the NEHA Retail Food Safety Specialist JTA was not received in time to conduct a review. The PFP TCWG also had not reviewed the JTA; therefore it is recommended that the continuation of the charge be brought forward to the next Biennial Meeting.

3. Charge 2:

- a. Charge: Collaborate with FDA, other federal agencies, and professional and industry associations to evaluate the results of the Retail Food Safety Specialist JTA being developed under the umbrella of the PFP TCWG to Identify states contracting regulatory food inspections and assess what training or standardization is being required.
- b. Findings:
 - i. This committee sent out a state survey in 2011 to the 2010 CFP delegates but only 36% responded. A follow-up email to the non-responsive states was conducted. The results of the survey revealed mixed results of the 18 respondents with only two states indicating that they have third party auditors performing inspections in their states. One state indicated authority to authorize third party inspections of lodging facilities but they were not aware of any current situations, one state indicated "consultants" certified to conduct inspections by the State Department of Public Health could be utilized and one state was considering recognizing third party audits for manufactured foods.
 - ii. With only 18 states responding in 2011, the survey was updated and re-administered in 2013 with responses obtained from all 50 states. Six states indicated that they have jurisdictions that contract with third party auditing firms to conduct institutional foodservice, restaurant, and retail food compliance inspections in lieu of state/local/tribal regulatory retail food programs. This represents 12% of the states that have contractors conducting regulatory inspections.
 - iii. Phase II of the survey was conducted to contact the contractual parties to see if they have educational requirements and/or specific training for those individuals doing the contractual regulatory inspections. The results of Phase II were as follows:
 - (1) One state indicated their universities and one county contracted with sanitarians that have the equivalent training/education as the local sanitarians.
 - (2) One state indicated to have one county that periodically utilizes a third party inspection to meet the required frequency of inspections. This state requires a state REHS (Registered Environmental Health Specialists) credential to inspect the food facilities so any contractors must also meet this standard.
 - (3) Because of staff reductions one state has authorized the use of third party contractors to complete the second required yearly inspection of the USDA school lunch program. This was approved a few years ago, but no school districts are currently using third party inspections.
 - (4) One state has multiple cities that are utilizing third party inspections to replace, augment or supplement regulatory inspections. Eighteen Cities have been identified as utilizing third party inspections. The third parties vary from large third party organizations to individuals contracting with the city. The large organizations are utilizing experienced (10 yr.) sanitarians with state REHS credentials. However, this is a matter of company

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procedure rather than terms of the contract. Information from the individuals contracting for this third party work was not attainable at this time.

(5) One state has had one individual who is an REHS and is standardized by FDA that works as a consultant to one county to cover all environmental health related inspections.

(6) Additional information from the sixth state was not available.

c. Charge 2 Recommendations:

The surveys have been completed and the CFSRP Workgroup has summarized the results in the attached document, "Survey Results-Contract/Third Party Inspections- CFP CFSRP 2012-2014." Future work, such as preparing guidance for contractual parties, would be beyond the scope and capacity of CFSRP Workgroup.

4. Charge 3:

a. Charge: Work in collaboration with FDA to address any comments from the 2012 CFSRP Workgroup's pilot project report regarding changes that may need to be made to Standard 4 Uniform Inspection Program.

b. Findings:

- i. The CFP Program Standards Committee has informed the CFSRP Workgroup, they are within 3-4 months away from being ready to bring forward any questions regarding the pilot project back to the CFSRP Workgroup. The CFP Program Standards Committee is looking at an audit tool for Standard 4, which would be an abbreviation of the field-training plan. Changes may be required in Standard 2 and 4 of the Voluntary National Retail Food Regulatory Program Standards
- ii. The CFSRP Workgroup and the CFP Program Standards Committee will need to collaborate on aligning both standards.

c. Charge 3 Recommendations:

Charge #3 has not been completed and requires additional time due to potential changes as stated above under 4. b.

5. Charge 4

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

b. Charge 4 Recommendations:

The CFSRP Workgroup recommends that a 2014-2016 Certification of Food Safety Regulation Professionals Workgroup be re-created to address the continuing charges listed above.

Recommendations for consideration by Council:

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- a. Charge # 1 of the 2012 Biennial Meeting be continued with the CFRSP Workgroup reporting back to the 2016 Biennial Meeting.
- b. Charge #2 of the 2012 Biennial Meeting be considered as completed with the survey to be used in the future if CFP pursues preparation of guidance for contractual parties.
- c. Charge #3 of the 2012 Biennial Meeting be continued with the CFRSP Workgroup reporting back to the 2016 Biennial Meeting.
- d. Re-create the CFRSP Workgroup to address the continuation charges listed in a. and c. above.

CFP ISSUES TO BE SUBMITTED BY COMMITTEE:

The CFSRP Workgroup is submitting the following Issues and Attachments to the 2014 CFP Biennial Meeting:

- 1) Issue #1: Report – Certification of Food Safety Regulation Professionals Workgroup (CFSRP), recommending acknowledgement of CFP CFSRP Workgroup Report
Attachments to this Issue include:
 - a. CFSRP Workgroup Roster
 - b. Survey Results-Contract/Third Party Inspections- CFP CFSRP 2012-2014 (supporting attachment)
- 2) Issue #2: Re-create Certification of Food Safety Regulation Professionals Workgroup