

**Conference for Food Protection
2016 Issue Form**

Issue: 2016 II-021

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

Delegate Action: Accepted _____ Rejected _____

All information above the line is for conference use only.

Issue History:

This is a brand new Issue.

Title:

Recommended Food Code adoption process

Issue you would like the Conference to consider:

This Issue makes it easy for all stakeholders to quickly identify differences between a jurisdiction's food code and the FDA Food Code.

Adoption of the FDA Food Code by States, Territories and Local jurisdictions can be a laborious process. Besides taking a long time and extensive resources of regulatory authorities, it is often difficult to determine which sections of a jurisdiction's food code are different from the FDA Food Code. This issue asks the conference to consider providing in Standard 1 of the Voluntary National Retail Food Regulatory Program Standards (or anywhere else FDA feels appropriate) a suggested method for FDA Food Code adoption.

This issue recommends adoption via an exception process. A number of states have utilized this process successfully, Iowa, New Mexico, North Carolina and West Virginia for example. As the jurisdiction reviews the latest FDA Food Code for adoption, it creates a statute or administrative rule which:

1. First adopts the current version of the FDA Food Code;
2. Secondly creates paragraphs within their statute/rule which adopt jurisdiction specific requirements which replace or amend the referenced sections of the FDA Food Code.

Public Health Significance:

This process does not compromise food safety in any manner and would simplify the Food code adoption process. Since many multi-jurisdictional companies utilize the current version of the FDA Food Code as their standard for Food Safety, it would allow them to easily identify Food Code sections that differ from the FDA Food Code. A few of the advantages of this type of adoption process include:

1. Less chance of transcription errors-missing words, misspelled words, etc.
2. Less chance of missing relevant Food Code citations or cross references.

3. Changes from the FDA Food code are easy to pick out since they will be incorporated into a much briefer rule. No need to search the whole food code of a jurisdiction to see what is different.
4. Less chance of industry being out of compliance with a jurisdiction's food code since they did not know that a jurisdiction's food code differed from the FDA Food Code in any given section.

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA recommending that Standard 1 of the Voluntary National Retail Food Regulatory Program Standards include a process for adopting the FDA Food Code with exceptions. The following is sample language:

When adopting the FDA Food Code, the following is a recommended process:

1. Adopt Chapters 1-7 or 8 (if it's compatible with the jurisdiction's administrative procedures) if allowed by the jurisdiction's rulemaking process and by stakeholders.
2. Any changes should then be incorporated into this administrative rule citing which specific sections of the FDA Food code are not being adopted or are being modified. List specific wording changes that are replacing the exempted FDA sections, including a reference to the specific FDA section being changed.
3. Additional jurisdiction specific chapters may be added and may include items such as mobile units, temporary events, cottage foods, etc.
4. When adding additional chapters, consider reviewing available guidance documents on the CFP and Association of Food and Drug Officials (AFDO) websites for model codes that can be used in creating additional content.
5. An 'unofficial' inspectors copy of the final adopted code be created which includes full text of the Food Code including changes so inspectors do not need to cross reference back and forth between the FDA Food Code and the jurisdiction's adopted rule.

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