Conference for Food Protection
2016 Issue Form

Issue: 2016 I-001

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

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Issue History:

This is a brand new Issue.

Title:

Report - Plan Review Committee (PRC)

Issue you would like the Conference to consider:

Acknowledge the Plan Review Committee final report and thank its members for completing their charge.

Public Health Significance:

The Plan Review Committee's work provides standards to promote public health and prevent environmental health related illnesses through proper planning of Food Establishment construction.

Recommended Solution: The Conference recommends...:

acknowledgement of the 2014 - 2016 Plan Review Committee final report and thanking its members for completing their charge.

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Content Documents:

- "2014 - 2016 Plan Review Committee Final Report (2016)"
- "Food Establishment Plan Review Manual Cover Sheet"
- "Food Establishment Plan Review Manual (2016)"
- "Appendix A - Plan Review Application"
- "Appendix B - Compliance List (2016)"
- "Appendix C - Copy of Plan Review Model Calculations (2016)"
- "Appendix D - Plan Review Web Links (2016)"
- "Plan Review Committee Roster (2016)"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-002

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

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Issue History:

This is a brand new Issue.

Title:

PRC 2 – Food Establishment Plan Review Manual

Issue you would like the Conference to consider:

A review and acceptance of the updated Food Establishment Plan Review Manual and Appendix A through D (2016).

Public Health Significance:

The Food Establishment Plan Review Manual assists our regulatory authority, architects, food consultants and other interested professionals in the plan review process when proposing to build or remodel a food establishment. Poor design, repair, and maintenance will compromise the physical facility and its operations. This Manual provides standards to promote public health and prevent environmental health related illness.

Recommended Solution: The Conference recommends...:

1) Approval of the Food Establishment Plan Review Manual (including the cover sheet) and Appendix A through D (2016) (documents attached to Issue titled: Report - Plan Review Committee Final Report)

2) Replacing the Plan Review Guide (2008) currently on the CFP website with the final compiled Food Establishment Plan Review Manual in PDF format.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-003

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

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Issue History:

This is a brand new Issue.

Title:

Outdoor equipment guidelines

Issue you would like the Conference to consider:

New and more aggressive outdoor food safety regulations must be considered as the trend in off premise catering and outdoor food events continue to rise.

The CDC states that 1 in 6 Americans will get sick from eating contaminated food. Today's technology in food service equipment for proper heating, holding, transporting, and cooling techniques can greatly reduce this grim statistic.

Offsite events are a challenge to monitor - but as more events arise - the need for better and tighter regulations is necessary. NAFEM (National Association of Foodservice Manufacturers) is an organization which has many resources and qualified companies who have answers for todays challenges. NAFEM companies launch new products each year that meet both sanitation and electrical requirements (Underwriters Laboratories, National Sanitation Foundation, etc.) that keep food at safe serving temperatures in the prep - transport - holding - and serving phases of off premise catered events - without the need for electricity.

Public Health Significance:

Reduction of food borne illnesses from outdoor catered events. The implemention of stricter regulations and increased education on utilizing foodservice equipment appropriate for outdoor use is key to preventing foodborne illness.

Recommended Solution: The Conference recommends...:

that a committee be established to develop recommendations and guidance material regarding outdoor food preparation and service with the following charges:

1. Research available and relevant literature;
2. Explore new technologies in outdoor food equipment;

3. Work with certification organizations to review and revise standards for outdoor equipment;
4. Review existing educational and training materials available from both the public and private sectors;
5. Develop best practice recommendations for outdoor food preparation and service (target audience is both regulatory and industry);
6. Develop recommended language for amending the FDA Food Code; and
7. Report back committee findings and recommendations to the 2018 biennial meeting.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-004

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Issue History:

This issue was submitted for consideration at a previous biennial meeting, see issue: 2014-I-25; new or additional information has been included or attached.

Title:

Report - Oyster Advisory Committee

Issue you would like the Conference to consider:

Issue 2014-I-25 was extracted by the body of State Delegates at the 2014 Biennial Meeting, in Orlando Florida. This action prompted forming an Executive Board Ad Hoc Committee to discuss the extracted no action decision. After discussion, the Executive Board Ad Hoc Committee determined that a Conference Committee should be formed to discuss and provide a recommendation at the 2016 Biennial Meeting.

Public Health Significance:

The Oyster Advisory Committee was tasked with developing recommendations to update the 2013 Food Code Section 3-603.11 Consumer Advisory, as follows, regarding raw molluscan shellfish that have not been treated by a process sufficient to reduce *Vibrio spp*. to an undetectable level, as detected by the *Vibrio vulnificus* testing method in the most current edition of the U.S. Food and Drug Administration Bacteriological Analytical Manual.

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.

(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)"; or

(2) Identification of the animal-derived FOODS by asterisking them to a footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients.

(C) REMINDER shall include asterisking the animal-derived FOODS requiring DISCLOSURE to a footnote that states:

(1) Regarding the safety of these items, written information is available upon request;

(2) Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness; or

(3) Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness, especially if you have certain medical conditions.

Recommended Solution: The Conference recommends...:

1. Acknowledgement of the 2014 - 2016 Oyster Advisory Committee Final Report and thanking the committee members for their work.
2. No further action based on:
    - the Interstate Shellfish Sanitation Conference (ISSC) letter dated July 7, 2014 that states the ISSC does not agree that the recommended solution of Issue 2014-I-025 would improve effectiveness or reduce illnesses; and
    - the CFP Oyster Advisory Committee determination that the existing language in Section 3-602.11 of the 2013 FDA Food Code is adequate to address consumer advisory for raw molluscan shellfish.
3. The Oyster Advisory Committee be disbanded as they have completed their charges.

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Content Documents:

- "Oyster Advisory Committee Final Report"
- "2014-2016 Oyster Advisory Committee Roster"

Supporting Attachments:

- "FDA References for Consumer Advisory"
- "ISSC letter July 2014"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-005

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

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Issue History:

This is a brand new Issue.

Title:

Report - Ice Maker Equipment Cleaning and Sanitizing Committee (IMC)

Issue you would like the Conference to consider:

The Ice Maker Cleaning and Sanitizing Committee were given 3 key charges:

1. Survey regulatory agencies to determine:

(a) Existing regulatory authority or guidance criteria for ice maker cleaning and sanitizing procedures and frequency.

(b) Determine extent of critical and non-critical inspection violations.

2. Review ice maker manufacturers/owner's manuals to establish their recommended cleaning and sanitizing processing and frequencies and its rationale.

3. Report back to the 2016 biennial meeting with recommendations

Public Health Significance:

Visible ice machine mold and soil appears to be a prevalent issue in commercial ice machines and these biofilms form when cleaning and sanitizing the machine is not performed at a specific frequency to preclude such and/or when the procedure and chemicals used are insufficient to accomplish the intended purpose of preventing microbial growth.

Recommended Solution: The Conference recommends...:

1. Acknowledgement of the 2014 - 2016 Ice Maker Equipment Cleaning and Sanitizing Committee Final Report,
2. Thanking the Committee members for their work and completing their charges, and
3. Disbanding the Committee.

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Content Documents:

- "Report - Ice Maker Equipment Cleaning and Sanitizing Committee"
- "2014-2016 Ice Maker Equipment Cleaning and Sanitizing Committee Roster"

Supporting Attachments:

- "Attachment A: Ice Machine Manufacturers"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-006

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

IMC 2 – Request Research on Microbial Contamination in Ice Machines

Issue you would like the Conference to consider:

The Ice Maker Equipment Cleaning and Sanitizing committee surveyed Ice Maker Original Equipment Manufacturers and Ice Vending Manufacturers (Attachment A; attached to Issue titled: Report - Ice Maker Equipment Cleaning and Sanitizing Committee) as to their specific cleaning and sanitizing procedures and frequency. In addition, information regarding field study and laboratory test data supporting the specific recommended cleaning and sanitizing procedure and frequency was requested. The committee received a very limited response. The limited response coupled with online research found that there was a general lack of uniformity and no test data available to validate the cleaning/sanitizing procedures, types of chemicals used and frequencies. The committee also surveyed regulatory agencies (detailed in Committee Report) and asked that a database be provided if available of the inspection records of ice machines. Five (5) jurisdictions provided data sets that identified almost 4,000 violations related to mold or soil accumulation in the ice bin and walls. There were no inspection notations documenting that the internal inaccessible parts of the ice machine were inspected. Also, the committee could not find research regarding the possibility of the growth of pathogenic microorganisms in the internal parts of an ice machine. Thus, research is needed to identify the type of microbial growth and location(s) of concern within the American National Standards Institute (ANSI) / National Sanitation Foundation (NSF) listed ice machines. This data will aid in establishing adequate cleaning and sanitizing procedures and frequencies for ice making equipment as well as provide field verification test methods.

Public Health Significance:

When cleaning and sanitizing of ice machines is not performed following procedures specified by the Food Code, microbial and soil accumulation appears to be a common issue in commercial ice machines. Most of the microbiological data available does not include foodborne pathogens and is limited to total bacteria, yeasts, molds and coliform counts. Ice contamination may occur from various sources including but not limited to the

ice machine, water or ice handling practices. The food contact surfaces within the ice machine could be potential areas for pathogen growth and need to be analyzed as to the types of pathogens present and their food safety impact on the public.

Recommended Solution: The Conference recommends...:

that the Conference Chair submit a request to academic research institutions or interested parties to submit grant funding proposals for conducting research with the objective being a risk assessment which may also necessitate testing and data generation that:

1. Characterizes the type of microbial contamination and the location of areas of concern within commercial American National Standards Institute (ANSI) and National Sanitation Foundation (NSF) listed ice machines and factors contributing to their growth rate. Research is needed regarding the surfaces of the interior of the ice machine which includes but is not limited to ice chutes, cubers, doors, tubing and pumps to determine if there are pathogens of food safety and public health concern.
2. Establishes data driven cleaning and sanitizing frequency.
3. Develops test methods to enable field verification that internal food contact surfaces are clean and sanitary.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-007

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

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Issue History:

This is a brand new Issue.

Title:

IMC 3 – Amend Food Code 4-602.11 (E) (4) Equipment Cleaning Frequency

Issue you would like the Conference to consider:

One of the charges of the Ice Machine Equipment Cleaning and Sanitizing Committee was to survey regulatory agencies to determine the 'extent of critical and non-critical inspection violations.'

The committee reviewed 5 sets of data provided by regulatory agencies and came up with the following summary:

- 3,763 violations were identified in 2014 related to mold or soil accumulation in the ice bin, bin walls, ice chute, door, and/or gaskets.

Additionally, the Committee was charged to 'review ice maker manufacturers/owner's manuals to establish their recommended cleaning and sanitizing processing and frequencies and its rationale.'

The equipment work group reviewed available online original equipment manufacturer (OEM) cleaning and sanitizing procedures to determine if there are common generally recommended practices. There was a general lack of uniformity regarding both cleaning/sanitation frequency and type of chemicals to be used. Cleaning frequencies ranged from quarterly, to annually, to "when dirty".

Subparagraph 4-602.11 (E) (4) of the 2013 FDA Food Code states that equipment should be cleaned at a frequency specified by the manufacturer. Based upon the number of cleaning violations noted in our survey and the lack of guidance provided by manufacturers regarding cleaning frequencies, we propose that simply cleaning ice machines based on a manufacturer's recommendations may be inadequate and that it should be combined with reviewing whether the equipment is clean or not.

Public Health Significance:

Visible ice machine mold and soil appears to be a prevalent issue in commercial ice machines and these biofilms form when cleaning and sanitizing the machine is not

performed at a specific frequency to preclude such and/or when the procedure and chemicals used are insufficient to accomplish the intended purpose of preventing microbial growth.

If these soils are not removed in a timely manner they may result in the formation of biofilms which could harbor pathogenic microorganisms such as *Listeria monocytogenes.*

Following the manufacturer's recommended cleaning schedule alone may be inadequate to prevent the growth of these biofilms. Therefore, even if a food establishment is cleaning the ice machine at the manufacturer's recommended cleaning frequency and the ice machine is found to be dirty, it should be cleaned at that time, even if it is prior to the next scheduled cleaning date.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA recommending that the 2013 Food Code be amended as follows (language to be added is underlined):

Subparagraph on Equipment Food Contact Surfaces and Equipment-Frequency, 4-602.11 (E) (4).

EQUIPMENT such as ice bins and BEVERAGE dispensing nozzles and enclosed components of EQUIPMENT such as ice makers, cooking oil storage tanks and distribution lines, BEVERAGE and syrup dispensing lines or tubes, coffee bean grinders, and water vending EQUIPMENT:

1. At a frequency specified by the manufacturer, <u>or more frequently if necessary, to preclude accumulation of soil or mold</u>, or
2. Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-008

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

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Issue History:

This is a brand new Issue.

Title:

IMC 4 – Amend Annex 7, Guide 3B Food Establishment Marking Instructions

Issue you would like the Conference to consider:

The Ice Maker Equipment Cleaning and Sanitizing committee surveyed the State Delegates of The Conference for Food Protection with regard to the inspection process: "Do your adopted rules relating to ice machine cleaning and/or sanitizing frequency or procedures vary in any significant way from the 2013 FDA Food Code?" and "Does your agency have any guidance documents for inspectors and/or operators relating to commercial ice makers and/or ancillary ice handling equipment and their cleaning and sanitizing frequency and/or clean in place procedures?" Ninety-eight percent use rules based off the current FDA Food Code. Ninety-six percent do not have guidance available on the cleaning of ice machines. Even though the survey results indicated 3,763 violations related to mold or soil accumulation in the visible areas of the ice machines in 2014, there were no violations identified regarding internal components of the ice maker. A specific reminder for the inspection of ice machines including the not readily accessible areas can be included in the Food Establishment marking instructions.

Public Health Significance:

When cleaning and sanitizing of ice machines is not performed following procedures specified by the Food Code, microbial and soil accumulation appears to be a common issue in commercial ice machines. Most of the microbiological data available does not include foodborne pathogens and is limited to total bacteria, yeasts, molds and coliform counts. Ice contamination may occur from various sources including but not limited to the ice machine, water or ice handling practices. The food contact surfaces within the ice machine could be potential areas for pathogen growth. Including a specific reference to ice machines in the Food Establishment marking instructions will reinforce the need for inspectors to evaluate ice machine cleanliness and sanitization on a regular basis.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA recommending that the 2013 Food Code be amended as follows (language to be added is underlined):

Update the Food Establishment marking instructions in Annex 7, Guide 3B under items 16 and 47 to specifically include references to ice making and storage components that may not be readily accessible.

16. Food-contact surfaces: cleaned and sanitized

...This item must be marked OUT of compliance when manual and/or mechanical methods of cleaning and sanitizing food-contact surfaces of equipment and utensils are ineffective; or if one continuous-use piece of equipment such as an ice machine or one multiuse piece of equipment such as a slicer or can opener is visibly soiled and being used at the time of the inspection.

47. Food and non-food-contact surfaces cleanable, properly designed, constructed and used

Equipment and utensils including ice machines must be properly designed and constructed, and in good repair to enable ready access to the internal food contact surfaces for cleaning, sanitization and inspection. Proper installation and location of equipment in the food establishment are important factors to consider for ease of cleaning in preventing accumulation of debris and attractants for insects and rodents. The components in a vending machine must be properly designed to facilitate cleaning and protect food products (e.g. equipped with automatic shutoff, etc.) from potential contamination. Equipment must be properly used and in proper adjustment, such as calibrated food thermometers....

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-009

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

IMC 5 - Working Group Formation to Update NSF/ANSI 12

Issue you would like the Conference to consider:

American National Standards Institute (ANSI) / National Sanitation Foundation (NSF) Standard 12: Automatic Ice Making Equipment sets forth requirements that include specifications regarding the ice machine equipment design, construction and materials of composition. Additionally, the Standard documents the methods and criteria required to show effectiveness of cleaning and sanitizing of the food zone surfaces. "The NSF Mark on a product gives consumers and retailers assurance that the product has been tested and meets the requirements of the Standard".

This Standard is designed to evaluate new equipment and is not aligned to manufacturer cleaning frequency recommendations. The test protocol does not take into account the prolonged use of the equipment in commercial applications and the impact to cleanability.

Based on the 2013 FDA Food Code Section 4-602.11 (E) (4), ice making equipment should be cleaned "at frequency specified by the manufacturer". Survey data collected during the CFP Ice Maker 2014-2016 Committee work suggests that the manufacturer's recommended cleaning frequencies are not supported by research data.

Both the Food Code and NSF/ANSI 12 acknowledge that accessibility to internal food contact surfaces is critical for proper cleaning, sanitizing and inspection. However, it is common that some of the areas of the equipment are difficult to reach without a complicated disassembly process, which limits proper cleaning, sanitization and inspection of the equipment.

Public Health Significance:

Visible ice machine mold and soil accumulation appears to be a prevalent issue in commercial ice machines and may be from a variety of factors:

- Cleaning and sanitizing may not be performed at a specific frequency to preclude accumulation of soil or mold.

- The procedure and chemicals used may be insufficient to accomplish the intended purpose of preventing microbial growth.
- The machine design may be such that internal food contact surfaces are not readily accessible for cleaning, sanitizing and routine inspection.

Many internal surfaces of commercial ice machines are food contact surfaces and are subject to the ANSI sanitation standards applicable to food equipment. Current ice machine designs which passed the existing performance certification standards are not always accessible for cleaning and inspection and may require tools that are not commonly available to the cleaning personnel or inspectors. Tools listed in the Food Code (Section 4-202.11) such as "screwdrivers, pliers, open-end wrenches, and Allen wrenches" may be available to maintenance, which is not always at the site during times when the cleaning and sanitization is performed, or when the equipment is inspected.

Recommended Solution: The Conference recommends...:

that a letter be sent to NSF International recommending the creation of a working group to review and update the existing American National Standards Institute (ANSI) / National Sanitation Foundation (NSF) 12 Automatic Ice Making Equipment Standard for cleaning and sanitizing certification with participation from academia and organizations such as the Association of Official Analytical Communities (AOAC) and the American Society of Testing and Materials (ASTM) with peer review process elements to ensure:

- Food contact surfaces of ice making equipment are readily accessible for inspection and effective cleaning and sanitization.
- That the performance certification test methods used for cleanability and sanitization of new equipment's food contact surfaces has correlation to cleanability and sanitization of those same surfaces when in continuous use in the work place.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-010

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

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Issue History:

This is a brand new Issue.

Title:

IMC 6 - Clean in Place (CIP) Committee Formation

Issue you would like the Conference to consider:

The Ice Machine Equipment Cleaning and Sanitizing Committee conducted significant research on the issue of ice machine cleanability. Though ice does not comprise a temperature for safety food, it is identified in the 2013 FDA Food Code as a food. It was generally acknowledged by the committee that internal waterlines and other wetted components in American National Standards Institute (ANSI) / National Sanitation Foundation (NSF) 12 listed ice machines cannot be easily inspected, cleaned and sanitized in place. During our review, it came to light that a similar circumstance exists for other food service equipment, such as dispensing freezers as are commonly used for soft serve ice-cream and yogurt. Because equipment other than ice machines was beyond the scope of our committee's charges, it was decided to defer any discussion beyond ice machines back to the CFP for its possible future deliberation.

Annex 3 of the Food Code contains the public health rationale for cleanability of food contact surfaces. It states; "*Food-contact surfaces that do not meet these requirements provide a potential harbor for foodborne pathogenic organisms"*. Section 4-202-11 CLEANABILITY of Food Contact surfaces states (paragraph (A) (5)) that reusable food contact surfaces shall be:*". . .* accessible for cleaning and inspection by one of the following methods, (a) without being disassembled *Pf,* or, (b) by disassembling without the use of tools *Pf,* or, (c) by easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, open end wrenches, and Allen wrenches *Pf."*

Internal water line surfaces in ice machines are not accessible even with "commonly available" tools. Cleaning and sanitizing of food contact surfaces is the function of clean in place systems (CIP). Ice machine manufacturer's equipment manuals make reference to cleaning instructions that (essentially) comprise clean-in-place instructions. FDA FOOD CODE Section 4-202.12 for CIP Equipment states: (A) CIP EQUIPMENT shall meet the characteristics specified under § 4-202.11 and shall be designed and constructed so that: (1) Cleaning and SANITIZING solutions circulate throughout a fixed system and contact all

interior FOOD-CONTACT SURFACES [Pf], and (2) The system is self-draining or capable of being completely drained of cleaning and SANITIZING solutions; and (3) CIP EQUIPMENT that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior FOOD-CONTACT SURFACES throughout the fixed system are being effectively cleaned.

Neither Ice machines nor dispensing freezers have such inspection access ports. FDA Food Code chapter for ACCEPTABILITY; 4-205.10 states *"FOOD EQUIPMENT that is certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program is deemed to comply with Parts 4-1 and 4-2 of this chapter."*

Note that the preceding ACCEPTABILITY "exemption" for equipment having an ANSI sanitation listing does not relieve FOOD EQUIPMENT from the compliance requirements found in Parts 4-6 and 4-7 of this chapter, which is where criteria for the *OBJECTIVE, FREQUENCY* and *METHODS* for cleaning food contact surfaces are found.

The FDA Food Code requires FOOD EQUIPMENT with inaccessible food contact surfaces that depend upon CIP processes for effective cleaning and sanitation to be designed to enable inspection access points for verification purposes, so that it can be readily determined when cleaning is required. Further the ANSI sanitation standards for performance certification of FOOD EQUIPMENT that depends upon CIP processes lack minimum criteria for cleaning and sanitizing frequency. Lastly, it is clear from the Ice Maker Committee's survey of Original Equipment Manufacturer (OEMs), the recommended cleaning and sanitizing procedures are not based on scientific data.

Public Health Significance:

Many of the manufacturer's equipment manuals reviewed stated that ice machines should be cleaned "as needed". With internal food contact surfaces that cannot be inspected, a reasonable determination for when cleaning and sanitizing is needed cannot be made. The prevention of microbial growth in the form of biofilms, milk-stone and other soils on FOOD EQUIPMENT food contact surfaces of this type is not clearly defined by criteria based on scientific test data and presents a hazard to consumers.

Furthermore, current ANSI sanitation standards test brand new equipment only, before food contact surfaces become worn. There is no test to ensure that the design of ANSI sanitation listed equipment enables easy inspection, cleaning and sanitization of its food contact surfaces across the expected service life of the equipment. None of the ANSI sanitation standards provide any criteria for cleaning frequency or processes. Rather, this subject is left up to manufacturers to provide in their owners manuals and instructions for use.

Recommended Solution: The Conference recommends...:

a Clean in Place (CIP) Committee be formed to expand on the work begun by the 2014 - 2016 Ice Maker Equipment Cleaning and Sanitizing Committee, but with a broader focus to include all food equipment known to have designs that depend upon CIP processes for safety yet do not allow for easy inspection, cleaning and sanitizing access of its food contact surfaces. The charges are:

1. Review ANSI sanitation standards for clean in place processes (CIP).

2. Report back to the CFP at the 2018 Biennial Meeting with specific recommendations for:

(a) Minimum criteria for CIP systems including suggested revisions to the FDA Food Code.

(b) A mechanism for on-going liaison with ANSI sanitation standards development organizations to reduce likelihood of future gaps in our national food safety, security and control programs.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-011

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

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Issue History:

This is a brand new Issue.

Title:

Report - Food Recovery Committee (FRC)

Issue you would like the Conference to consider:

The 2014 Biennial Meeting re-created the retired Food Recovery Committee via Issue 2014-I-035 and charged the committee to review and revise the Comprehensive Guidelines for Food Recovery Programs document (currently posted on the CFP web site) and report back its recommendations to the 2016 CFP Biennial Meeting

Public Health Significance:

The previous version of this document was 2007 and a revision was needed.

Recommended Solution: The Conference recommends...:

1. Acknowledgement of the 2014 - 2016 Food Recovery Committee final report;
2. Thank the committee members for their work and efforts on the committee; and
3. Disband the committee.

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Content Documents:

- "CFP 2014 - 2016 Food Recovery Committee Final Report 2016"
- "Comprehensive Resource for Food Recovery Programs 2016"
- "CFP 2014-2016 Food Recovery Committee Roster"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-012

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

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Issue History:

This is a brand new Issue.

Title:

FRC 2 - Comprehensive Resource for Food Recovery Programs

Issue you would like the Conference to consider:

The 2014 Biennial Meeting re-created the retired Food Recovery Committee via Issue 2014-I-035 and charged the committee to review and revise the Comprehensive Guidelines for Food Recovery Programs document (currently posted on the CFP web site) and report back its recommendations to the 2016 CFP Biennial Meeting

Public Health Significance:

The previous version of this document was 2007 and a revision was needed.

Recommended Solution: The Conference recommends...:

1. Approval of the Food Recovery Committee document titled *Comprehensive Resource for Food Recovery Programs*, including appendices (attached to Issue titled: Report-Food Recovery Committee); and
2. Posting the approved document in PDF format on the CFP website, replacing the previous document *Comprehensive Guidance for Food Recovery Programs* (2007).

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-013

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

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Issue History:

This is a brand new Issue.

Title:

Report - Unattended Food Establishment Committee (UFE)

Issue you would like the Conference to consider:

The 2014 Conference Issue 2014-I-019 created the Unattended Food Establishment Committee and charged the committee with three goals:

1. Develop recommendations on whether and how the Food Code should be modified to address unattended food merchandising operations,
2. Continue to review the "Guidance Document for Unattended Food Establishments" and any existing guidance from FDA and others to update the CFP guidance document that could assist states when addressing the need to have alternative protective provisions in place when approving a waiver or variance for entities that do not meet section 2-101.11 and 2-103.11 of the 2013 Food Code, and
3. Report back at the 2016 Biennial Meeting with a recommendation to Council I.

Public Health Significance:

This committee work was essential to address an increase in the scope and number of unattended food establishments across the country. These three charges were critical to understanding the proper approach for the Conference for Food Protection to consider when addressing these new facilities.

Recommended Solution: The Conference recommends...:

1. Acknowledgement of the 2014 - 2016 Unattended Food Establishment Committee final report, and
2. Thank the committee members for their work and efforts on the committee.

Submitter Information:

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Content Documents:

- "UFE Final Report"
- "Unattended Food Establishment Committee Roster"
- "Guidance Document for Unattended Food Establishments"

Supporting Attachments:

- "FDA Unattended Food Service Establishments"
- "PIC Duties Unattended Food Service Establishments"
- "NAMA Technical Bulletin-Micro Markets"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-014

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

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Issue History:

This issue was submitted for consideration at a previous biennial meeting, see issue: 2014 I-019; new or additional information has been included or attached.

Title:

UFE 2 - Guidance Document for Unattended Food Establishments

Issue you would like the Conference to consider:

At the 2014 Biennial Meeting, the Conference created the Unattended Food Establishments Committee with the following charges:

1. Develop recommendations on whether and how the Food Code should be modified to address unattended food merchandising operations.
2. Consider any existing guidance from FDA and others and develop a CFP guidance document that could assist states when addressing the need to have alternative protective provisions in place when approving a waiver or variance for entities that do not meet section 2-101.11 and 2-103.11 of the 2013 Food Code.
3. Report back at the 2016 Biennial Meeting with a recommendation to Council I.

The committee recommends that the new guidance document for Unattended Food Establishments be approved.

Public Health Significance:

Industry representatives estimate that thousands of unattended food establishments have replaced traditional vending machine operations in the US. However since many jurisdictions do not routinely regulate vending operations, it is not clear how many unattended food establishments would be subject to regulation as a food establishment. Many of the unattended food establishments operations exist in closed environments, such as factories, with a known employee population and with restricted access reducing the threats of accidental or intentional contamination. If the unattended food establishments have installed and are using video surveillance this further reduces the public health impact. Additional precautions need to be implemented, such as failsafe systems for a cooler that cannot maintain TCS product at the required temperature. If none of these

measures exist then the risk to the consumer increases to unacceptable levels and should not be allowed.

Recommended Solution: The Conference recommends...:

1. Approval of the Unattended Food Establishment Committee document titled *Guidance Document for Unattended Food Establishments (*attached to the Issue titled: Report - Unattended Food Establishment Committee); and
2. Posting the approved document in PDF format on the Conference for Food Protection website.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-015

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

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Issue History:

This is a brand new Issue.

Title:

UFE 3 - Re-create the Unattended Food Establishment Committee

Issue you would like the Conference to consider:

Re-creating the Unattended Food Establishment Committee to continue work on charges set forth in Issue 2014-I-019.

Public Health Significance:

Continuing work on the Unattended Food Establishment Committee is required to meet the charges set forth by Issue 2014-I-019.

Recommended Solution: The Conference recommends...:

Re-create the Unattended Food Establishment Committee to complete the following charges:

1. Develop recommendations on how the FDA Food Code addresses Unattended Food Establishments;
2. Continue to review the "Guidance Document for Unattended Food Establishments" and any existing guidance from FDA and others to update the CFP guidance document that could assist states when addressing the need to have alternative protective provisions in place when approving a waiver or variance for entities that do not meet section 2-101.11 and 2-103.11 of the 2013 Food Code; and
3. Present their findings at the 2018 CFP Biennial Meeting.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-016

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

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Issue History:

This is a brand new Issue.

Title:

Food Establishments With Robotic Operations

Issue you would like the Conference to consider:

New innovative technology is entering the retail food service industry in the form of automated food preparation and process "robots" that not only cook raw foods to ready-to-eat, but combine, garnish, assemble, wrap, package and dispense them. These robots are installed inside of building spaces specifically designed to accommodate their processes. The FDA Food Code should be changed to provide criteria to enable these safe and optimized operational platforms to exist.

Public Health Significance:

New, fully automated *raw* to ready-to-eat (R-RTE) "robotic" food operations in retail food facilities present several critical risk reductions as compared to traditional manual food preparation methods. 1. There are no hands touching R-RTE foods - therefore, no ill employee's are in contact with foods that are being prepared. 2. Every step of the process is continuously controlled, monitored and data logged for time and temperature, along with supervisory analytics and identification of food and ingredient lots, responsible personnel, etc.. 3. R-RTE systems enable automated trace-back and record review of each critical control point (CCP) associated with its hazard analysis critical control point (HACCP) or hazard analysis risk based preventative control (HARPC) program, including corrective action execution, time, date, personnel, etc. and record keeping.

Products begin as raw and are prepared, cooked, garnished, assembled, wrapped, packaged and "dispensed" to a server or to the consumer directly. These new R-RTE food operations that are housed within purpose designed, engineered and built building spaces. They present extreme uniformity and precision for everything from portion size, cook time and temperature and overall quality and their continuous data logs meet evidentiary rule requirements. So too do these systems provide for real time event notification. One of the pioneers for robotic food facilities and the co-presenter of this issue has their food products packed into reusable, sealed, sanitary cassettes (eg., removable, reusable cylindrical

"hoppers") at a licensed food processing facility. These American National Standards (ANSI) sanitation listed cassettes have radio frequency Identification tags (RFID) and track time, temperature and location as products are moved under refrigeration from the food processor through transportation to the food facility. Cassettes that are short-term stored on-site use First-in-First Out (FIFO) control methods and are loaded directly into the robot which opens the hermetically sealed cassette internally, removing the meat cubes, produce, sauce or other food items, ready for preparation and assembly.

Some RTE time/temperature control for safety (TCS) food items may use TIME alone as a public health control. Because of the extreme accuracy of food handling records, time alone as a public health control is easily managed. Products that left temperature control four hours ago are automatically discharged to waste and recorded as such. All of the clean and sanitize in place processes (CSIP) are recorded (logged) some of which are fully automated. A complete flow chart for the flow of food through robotic operation (robop?) is presented to the licensing authority upon application for permit. In addition, a list of the approved sources and the overall food safety plan with standard sanitary operating procedures are provided, including both clean and sanitize in place (CSIP) operations and various manual in place cleaning (IPC) and clean out of place (COP) procedures. In addition to maintenance of an automatic, continuous log of collected critical control point data, there is an overlay to enable supervisory notes from the person in charge relating to the data. Detailed, High Definition (HD) 24/7/365 video surveillance data is over-layed providing a unique data set for each and every daily food operation. The intent of this mechanized process is to provide the safest complex food operation in the world.

Recommended Solution: The Conference recommends...:

1. that a letter be sent to the FDA requesting the 2013 Food Code be amended to include a definition in Section 1-201.11 of the FDA Food Code for food establishments with robotic operations;

and

2. the Conference further recommend that a committee be formed:

A. to establish reasonable criteria and guidance for the new and emerging field of robotic food service operations; and

B. report back with their findings and recommendations to the 2018 Biennial Meeting.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-017

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

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Issue History:

This is a brand new Issue.

Title:

Revised Term for Animal Foods

Issue you would like the Conference to consider:

The Food Code uses the term "animal food" in several places. This term could be misunderstood as pet food.

Public Health Significance:

Revising the term "animal food" to "animal-origin food" would reduce confusion.

Recommended Solution: The Conference recommends...:

a letter be send to FDA requesting that the term "animal food" be replaced by the term "animal-origin food" throughout the Food Code.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-018

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

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Issue History:

This is a brand new Issue.

Title:

Defining Food Establishments—Amend Section 1-201.10(B)

Issue you would like the Conference to consider:

The FDA Food Code recognizes that food establishments should be maintained to ensure sanitary conditions free of rodents, insects, and other pests. The 2013 Food Code, however, defines "food establishments" subject to the code to exclude establishments that offer only prepackaged, shelf-stable foods. States that have adopted the 2013 Food Code's definition of food establishments may not ensure that stores selling only prepackaged, shelf-stable foods meet basic sanitation requirements.

Public Health Significance:

Proper handling, storage, and display of prepackaged foods is necessary to safeguard public health. Establishments that are typically not in the business of selling food -- *such as home goods, hardware, clothing, party supply, and office supply stores* -- should be defined as "food establishments" and required to meet basic sanitation standards. Jurisdictions that inspect such stores have found numerous sanitation violations including the presence of insects, rat and mouse droppings, the presence of a trapped mouse, gnawed food bags, the presence of live birds and a pet dog, improper storage of toxic chemicals, and spoiled food (documentation attached).

Risks posed to consumers may be high for ready-to-eat foods, such as candy bars and chips. These foods are typically eaten directly out of the packaging, with consumers' hands touching both the packaging and the food itself, increasing the likelihood that excrement or toxic chemicals present on the packaging could contaminate the food consumed.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the definition of Food Establishments in the 2013 Food Code section 1-201.10(B) be amended as follows (new language is underlined; language to be deleted is in strikethrough format):

1-201.10 Statement of Application and Listing of Terms

(B) Terms Defined. As used in this Code, each of the terms listed in ¶ 1-201.10(B) shall have the meaning stated below.

Food Establishment.

(3) "Food establishment" does not include:

~~(a) An establishment that offers only prePACKAGED FOODS that are not TIME/TEMPERATURE CONTROL FOR SAFETY FOODS;~~

(~~b~~a) A produce stand that only offers whole, uncut fresh fruits and vegetables;

(~~c~~b) A FOOD PROCESSING PLANT; including those that are located on the PREMISES of a FOOD ESTABLISHMENT

(~~d~~c) A kitchen in a private home if only FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD, is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by LAW and if the CONSUMER is informed by a clearly visible placard at the sales or service location that the FOOD is prepared in a kitchen that is not subject to regulation and inspection by the REGULATORY AUTHORITY;

(~~e~~d) An area where FOOD that is prepared as specified in Subparagraph (3)(~~d~~c) of this definition is sold or offered for human consumption;

(~~f~~e) A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers FOOD to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the CONSUMER is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the FOOD is prepared in a kitchen that is not regulated and inspected by the REGULATORY AUTHORITY; or

(~~g~~f) A private home that receives catered or home-delivered FOOD.

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Supporting Attachments:

- "Clothing Store 1"
- "Clothing Store 2"
- "Hardware Store 1"
- "Hardware Store 2"
- "Home Goods Store 1"
- "Home Goods Store 2"
- "Home Goods Store 3"
- "Office Supply Store 1"
- "Office Supply Store 2"
- "Party Store 1"
- "Party Store 2"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-019

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

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Issue History:

This is a brand new Issue.

Title:

Clean in place (CIP) definition

Issue you would like the Conference to consider:

Clean-in-Place (CIP) is common in liquid food and beverage processing, but is poorly defined and understood in the retail and food service industries. New and novel dispensing equipment and systems being introduced to the industry both in the U.S. and internationally create the need to better define and characterize hazards and reasonable interventions for liquid food preparation and dispensing systems. The process involves more than just rinsing wetted surfaces; it is not just "cleaning" - as the current CIP acronym infers. Chemicals used to clean and sanitize require kinetics in one or many forms to improve efficacy. When food contact surfaces are cleaned and sanitized in a dishwasher, or a three compartment sink, kinetics are added in the forms of high pressure sprays, or scrubbing, or turbulent flows in a power wash type sink. Kinetics (in some form) is also required for plumbed systems that handle liquid foods. Cleaning and sanitizing are discrete sequential steps, where cleaning precedes the application of an approved food contact surface sanitizer on the food contact surface of the equipment. The process is better defined as clean *and sanitize* in place (CSIP), as one cannot sanitize an unclean surface. Pronounced "sea-sip" (two syllables instead of three), CSIP systems are plumbed systems that typically use valves, pumps and control logic to sequentially wash and then sanitize food contact surfaces that are essentially, plumbing lines for liquid foods and beverages.

Public Health Significance:

Due to their plumbing line form, their internal wetted surfaces cannot be readily accessed for inspection or for manual cleaning and sanitizing. This presents a unique hazard to food safety and requires focused safety criteria to ensure reasonable continuous food safety. Using an acronym that has the first letter for each critical sequential step, yet fewer pronounceable syllables can add clarity to its unique safety function without any additional cost to industry or consumers. Further, it is well known that you cannot effectively sanitize contaminated surfaces. Consequently, food contact surfaces must be cleaned before sanitizers are applied. In food and beverage processing, surfactants that may not be

categorized as detergents are often used for the initial cleaning step. Accordingly, instead of calling cleaners "detergents", it is more appropriate use the genus solutions that have reduced surface tensions, known to be more effective than water by itself; *surfactants*. Further, "rinsing" in only needed when the listing and or label instructions indicate it is needed. Some surfactants (and now sanitizers too) are GRAS and others have K1's or are secondary food additives or ingredients and accordingly, require no rinsing after use and before introduction of liquid foods.

References link: https://www.yousendit.com/download/ZWJWR0lVNXZGR0V3anNUQw

CSIP processes comprise a PRIORITY ITEM (^{P}) risk categorization.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined; language to be deleted is in strike through format)*:*

Section 1-201.10

Clean and sanitize in place (CSIP) ^{P}

(1) "CSIP" means cleaned and sanitized in place by the sequential circulation or forceful flowing by mechanical means through a piping system, of a ~~detergent~~ surfactant solution, water rinse (when required), and SANITIZING solution onto ~~or over EQUIPMENT~~ or through wetted food contact surfaces that require cleaning and sanitizing, such as the method used, in part, to clean and SANITIZE wetted liquid food contact surfaces of food equipment that feature liquid food plumbing lines such as dispensing freezers ~~a frozen dessert machine~~ or milk or juice dispensers and similar equipment.

(2) "CSIP" does not include the cleaning of EQUIPMENT such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CSIP system.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-020

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

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Issue History:

This is a brand new Issue.

Title:

Add a definition for In-place cleaning (IPC)

Issue you would like the Conference to consider:

In-place cleaning (IPC) is not the same as clean in place (CIP) or clean and sanitize in place (CSIP). Section 1-201.10 of the 2013 FDA Food Code has a definition for CIP. Section 4-501.112 Part (B) of the FDA Food Code makes reference to in-place cleaning (IPC) which is otherwise not defined in the code. Rather, there is a circular reference made back to CIP. Because they are different processes, IPC needs its own definition.

Public Health Significance:

Having clear, unambiguous definitions for food safety systems is critical to ensuring that everyone has the same idea of what is needed for reasonable safety. This is the reason that section 1-201.10 of the food code is so important and why a new definition needs to be added to the FDA Food Code to differentiate two completely separate concepts that (unfortunately) are known to use the same three words, albeit, in different order.

An *in-place cleaning* (IPC) process is a *manual* cleaning and sanitizing process that is carried out without moving the food equipment or food contact surfaces to a sink or into a dishwasher. Examples here include motorized meat slicers, band saws and grinders, whether for meat or coffee. Another example is a large cutting board or a large food display tray that does not fit into a sink or dishwasher, thus requiring IPC.

Clean in place (CIP) systems have integral plumbing lines for the conveyance of liquid foods. If the internal surfaces of these liquid food or beverage plumbing lines do not have access (inspection) openings to enable inspection, and access to enable manual cleaning and sanitization of its surfaces, then a sequential clean and sanitize in place (CSIP or CIP) system is required. A more accurate description of these system is a *clean* and *sanitize in place* systems, or CSIP (pronounced *"sea-sip" using only two syllables as compared to three syllables for C.I.P.)*. CSIP systems are similar to IPC only in the sense that the food contact surfaces are cleaned and sanitized without moving them to the scullery or into a dish machine. CSIP systems are *plumbed* systems designed to *automatically* or *semi-*

automatically clean and disinfect internal food contact surfaces that are otherwise inaccessible using process validated cleaning and sanitizing protocols. Some equipment can have CSIP integrated into its design and is comprised of a series of valves, pumps and/or control logic with the sequential application of cleaning and then sanitizing solutions, and are free draining. Other CSIP systems depend upon connection to ancillary CSIP equipment that will flush throughout the (food contact surface) plumbing system of the food/beverage equipment, cleaners and sanitizers in sequence, to remove accumulated soils and/or biofilms. These systems are self-draining to carry away dislodged food soils and other contaminants along with the cleaning and sanitizing process solutions. Examples include the internal plumbing and other food contact surfaces in dispensing freezers for soft-serve ice cream, yogurt and similar equipment with inaccessible multi-use food contact surfaces in the form of internal beverage lines, fittings and valves and energy transfer surfaces. Additional examples include internal surfaces of ice machines such as its feed water lines, harvest plates and sumps, and internal and external plumbed beverage lines for food equipment that prepares, processes, packages and/or dispenses milk or milk products, juices, soda, beer, wine and spirits.

IPC comprises a PRIORITY foundation (^{Pf}) item.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined):

Section 1-201.10

"In-place cleaning" (IPC) means the *manual* cleaning of Food Equipment and Food Contact surfaces without moving the equipment or food contact surface to the scullery, a dish washer or sink.^{Pf}

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-021

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

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Issue History:

This is a brand new Issue.

Title:

Change abbreviation for CIP to CSIP (clean and sanitize in place)

Issue you would like the Conference to consider:

The acronym "CIP" as defined in section 1-201.10 of the 2013 FDA Food Code could be improved to better articulate the process by reducing one syllable and adding a letter. Instead of having to say each letter aloud, readers can refer to the process with greater descriptive precision by referring to the clean and sanitize in place process as "sea-sip" (CSIP).

Public Health Significance:

Having clear, unambiguous definitions for food safety systems is critical to ensuring that everyone has the same idea of what is needed for reasonable safety. This is the reason that section 1-201.10 of the Food Code is so important and why more descriptive index words should be used whenever possible.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 FDA Food Code modified language be incorporated as follows:

Section 1-201.10 of the FDA food Code is modified to change the index word from CIP to CSIP for the descriptive process of cleaning and then sanitizing the internal liquid food plumbing lines in food equipment.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-022

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

Update the definition of Vending Machines

Issue you would like the Conference to consider:

New payment transaction technology is available whereby products can be dispensed by a vending machine upon completion of a digital transaction. The current definition for "Vending Machines" in the 2013 FDA Food Code section 102.10 (B) needs an update to remain current.

Public Health Significance:

Old-fashioned coin and currency based vending transactions are being replaced with "smart" digital transactions. Safety and convenience conscious consumers are often "cashless" and rely upon new technology for their purchase of goods including food and beverage. Revising the definition to include new payment technologies will reduce confusion as to its acceptability.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined)*:*

Section 1 201.10

"Vending machine" means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, <u>or upon completion of a digital transaction</u> or by optional manual operation, dispenses unit servings of FOOD in bulk or in packages without the necessity of replenishing the device between each vending operation.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-023

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

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Issue History:

This is a brand new Issue.

Title:

Shellfish Retail Record Keeping

Issue you would like the Conference to consider:

Enhancing record keeping at retail establishments.

Public Health Significance:

The incidence of *Vibrio parahaemolyticus* (Vp) illness associated with molluscan shellfish consumption is on the increase and continues to be a significant challenge to state and federal health authorities. In 2013 the Interstate Shellfish Sanitation Conference (ISSC) incorporated language into the National Shellfish Sanitation Program requiring increased state regulatory action in response to *V.p.* illnesses. The regulatory response outlined in these new requirements is directly linked to the number of reported *V.p.* illnesses. This approach requires timely investigation of *V.p.* cases by State health officials to determine product source. In many cases, States have been unable to determine the source of the shellfish due to inadequate record keeping as required by Section 3-203.12 of the 2013 FDA Food Code. The National Shellfish Sanitation Program (NSSP) recognizes this requirement as a critical violation. This change would create consistency between the Food Code and the NSSP.

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA recommending:

1) Modification of Section 3-203.12(A) of the 2013 FDA Food Code as indicated below from a Priority Foundation to a Priority Violation (language to be added is underlined; language to be deleted is in strikethrough format).

3-203.12 Shellstock, Maintaining Identification.

(A) Except as specified under Subparagraph (C) (2) of this section, SHELLSTOCK tags or labels shall remain attached to the container in which the SHELLSTOCK are received until the container is empty. ~~Pf~~ P

2) The FDA begin discussions with the ISSC and Conference for Food Protection to identify steps that can be taken to enhance implementation and enforcement of shellfish record keeping at retail establishments.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-024

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

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Issue History:

This is a brand new Issue.

Title:

Alignment of the Food Code with the FDA Juice HACCP Retail Definition

Issue you would like the Conference to consider:

The sale of packaged, raw, untreated, or cold pressed juices is allowed under the 2013 FDA Food Code by a retail food establishment. However, the FDA Food Code does not address where a retail food establishment may sell untreated packaged juice. The FDA Juice Hazard Analysis and Critical Control Point (HACCP) regulation and associated guidance does have specific conditions under which packaged untreated juice may be sold under the retail exemption, specifically that any offsite sales must be conducted at a location owned by the retail establishment. Retail regulators operating under FDA Food Code are being challenged by food establishments that want to package untreated juice and then sell it "offsite" via a cooperative arrangement with a health club, health food store or a vending unit as an extension of the retail establishment. A clear link needs to be established in the Food Code & 21 Code of Federal Regulations (CFR) 120 Juice HACCP sections regarding retail sales.

Public Health Significance:

Providing a link between the FDA Food Code and 21 CFR part 120 Juice HACCP requirements for the sale of packaged juice allows for regulators to apply the same criteria when evaluating the safety of a proposed packaged juice process in regards to the retail exemption. Industry benefits from the uniform application of the retail exemption for treated juice by not having differing sets of standards from jurisdiction to jurisdiction. The need to treat packaged juice and the public health risk associated with consumption of untreated packaged juice has been cited in many studies.

Annex 3 of the FDA Food Code in Section 3-801.11 states: There are documented cases of foodborne illness throughout the United States that were associated with the consumption of various juice products contaminated with microorganisms such as Cryptosporidium, Shiga toxin-producing Escherichia coli, Salmonella spp., and Vibrio cholera.

The Summary in *the Federal Register / Vol. 66, No. 13 / Friday, January 19, 2001 / Rules and Regulations for Juice* states the need for the treatment of packaged juice.

"The Food and Drug Administration (FDA or the agency) is adopting final regulations to ensure the safe and sanitary processing of fruit and vegetable juices. The regulations mandate the application of Hazard Analysis and Critical Control Point (HACCP) principles to the processing of these foods. HACCP is a preventive system of hazard control. FDA is taking this action because there have been a number of food hazards associated with juice products and because a system of preventive control measures is the most effective and efficient way to ensure that these products are safe."

In a September 22, 2005 *Guidance for Industry Letter to State Regulatory Agencies and Firms That Produce Treated (but not Pasteurized) and Untreated Juice and Cider*, the FDA stated the concern regarding continuing outbreaks of foodborne illness associated with the consumption of treated (but not pasteurized) and untreated juice and cider. The letter reminds regulators and industry of actions that the FDA recommends processors take to enhance the safety of these products with the following reason:

"Recent illness outbreaks due to treated (but not pasteurized) and untreated apple cider occurred in Ohio in 2003, and in New York state in 2004. In addition, a multi-state illness outbreak associated with treated (but not pasteurized) orange juice occurred this year. These outbreaks highlight the need for processors to ensure that they are taking all appropriate steps to comply with applicable food safety requirements."

References:

Federal Register CFR 21 Part 120:

https://www.federalregister.gov/articles/2001/01/19/01-1291/hazard-analysis-and-critical-control-point-haacp-procedures-for-the-safe-and-sanitary-processing-and

Guidance for Industry Letter to State Regulatory Agencies and Firms:

http://www.fda.gov/RegulatoryInformation/Guidances/ucm072508.htm

Hazard Analysis Critical Control Point (HACCP), National Advisory Committee on Microbiological Criteria for Foods (NACMCF) Recommendations:

http://www.fda.gov/Food/GuidanceRegulation/HACCP/ucm073540.htm

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA requesting the 2013 FDA Food Code be amended to include the following (new language is in underline format):

3-404.11 Treating Juice.

JUICE PACKAGED in a FOOD ESTABLISHMENT shall be:

(A) Treated under a HACCP PLAN as specified in ¶¶ 8-201.14(B) -(E) to attain a 5-log reduction, which is equal to a 99.999% reduction, of the most resistant microorganism of public health significance; [P] or

(B) Labeled, if not treated to yield a 5-log reduction of the most resistant microorganism of public health significance: [Pf]

(1) As specified under § 3-602.11, [Pf] and

(2) As specified in 21 CFR 101.17(g) Food labeling, warning, notice, and safe handling statements, JUICES that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens with the following, "WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and person with weakened immune systems." Pf

(C) And only at locations that are considered to be retail by the definition of a retail establishment as specified in 21 CFR 120.3 (l) and qualify for the retail exemption as specified in 21 CFR 120.3 (j) (2) (ii).

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Supporting Attachments:

- "CFR 120.3"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-025

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

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Issue History:

This is a brand new Issue.

Title:

Amend Food Code – Nutrition Labeling of Standard Menu Items in Restaurants

Issue you would like the Conference to consider:

The 2013 FDA Food Code should be amended to be consistent with 2010 federal nutrition labeling requirements for foods served or offered for sale in restaurants and similar retail food establishments. The Food, Drug, and Cosmetic Act now requires chain retail food establishments with 20 or more locations to provide calorie and other information for standard menu items (21 U.S. Code § 343(q)(5)(H)(i) to (iii)). Updating the Food Code will encourage state and local food regulatory agencies to implement the law.

Public Health Significance:

Nearly two thirds of adults and one third of children are overweight or obese.[1] Americans consume, on average, one-third of their calories from eating out.[2] Studies link eating out with obesity, higher caloric intake, higher intake of calories, saturated fat and fewer nutrients.[3] Children typically eat almost twice as many calories when they eat out compared to at home.

Studies show that providing nutrition information at restaurants can help Americans make lower calorie choices and spur the reformulation of existing food items and the introduction of nutritionally improved items. A recent Harvard study found restaurant menu calorie labeling could prevent up to 41,000 cases of childhood obesity and could save over $4.6 billion in healthcare costs over ten years.[4]

Americans need nutrition information to manage their weight and reduce the risk of or manage heart disease, diabetes, or high blood pressure, which are leading causes of death, disability, and high health-care costs.

Trade groups, restaurant chains, other food establishments, and over 100 nutrition and health organizations and professionals support menu labeling.

Covered food establishments will be required in 2016 to provide calorie labeling on the menu and menu board for standard menu items, along with a succinct statement on general nutrition advice, and provide additional written nutrition information.

Incorporating this provision in the Food Code will assist regulatory authorities in adding to their restaurant inspections a quick check to determine if the required information is available and presented in a manner that is easy for consumers to see and read (i.e., that it is provided in the required format).

References

[1] CDC/NCHS, National Health and Nutrition Examination Survey, 2012. http://www.cdc.gov/nchs/nhanes.htm

[2] Todd J, et al. The Impact of Food Away from Home on Adult Diet Quality USDA, 2010. http://www.ers.usda.gov/media/136609/err90_1_.pdf

[3] Center for Science in the Public Interest. Research Review: Effects of Eating Out on Nutrition and Body Weight, updated October 2008. https://cspinet.org/new/pdf/lit_rev-eating_out_and_obesity.pdf

[4] Gortmaker SL, et al. Three Interventions That Reduce Childhood Obesity Are Projected to Save More Than They Cost to Implement. November 2015, *Health Affairs*, 34, no. 11 (2015):1304-1311. http://content.healthaffairs.org/content/34/11/1932.full?ijkey=lnFXpx4AIM506&keytype=ref&siteid=healthaff

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (new language is underlined; language to be deleted is in strikethrough format):

Section 3-602.11 Food Labels

(E) FOODS served or offered for sale in restaurants or similar retail FOOD ESTABLISHMENTS not otherwise exempted in the Federal Food, Drug, and Cosmetic Act § 403(q)(5)(H) be labeled according to 21 CFR 101.11.

Annex 3 - Public Health Reasons/Administrative Guidelines

Nutrition Labeling

I. The following foods need not comply with nutrition labeling in the CFR referenced in subparagraph 3-602.11(B)(6) if they do not bear a nutrient claim, health claim, or other nutrition information:

(C) Foods served in ~~food establishments with facilities for immediate consumption such as restaurants, cafeterias, and~~ mobile food establishments;~~, and foods sold only in those establishments;~~

~~(D) Foods similar to those specified in the preceding bullet but that are sold by food establishments without facilities for immediate consumption such as bakeries and grocery stores if the food is:~~

~~(1) Ready-to-eat but not necessarily for immediate consumption,~~

~~(2) Prepared primarily in the food establishment from which it is sold, and~~

~~(3) Not offered for sale outside the food establishment;~~

~~(E) Foods of no nutritional significance such as coffee;~~

(D)~~(F)~~ Bulk food for further manufacturing or repacking; and

(E)~~(G)~~ Raw fruits, vegetables, and fish.

Annex 7 - Model Forms, Guides, and Other Aids

Form 3-A, Food Establishment Inspection Report

37. Food properly labeled; original container; nutrition labeling

Guide 3-B, Instructions for Marking the Food Establishment Inspection....

Food Identification

37. Food properly labeled; original container; nutrition labeling

Packaged foods and foods served or offered for sale in restaurants or similar retail food establishments are required to conform to specific labeling laws unless otherwise exempted.

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Supporting Attachments:

- "CSPI Menu Labeling Fact Sheet (Redacted)"
- "Nutrition Labeling on Menus Final Rule 21 CFR Part 101.11"
- "Sample Menu Board 1"
- "Sample Menu Board 2 (Redacted)"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-026

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

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Issue History:

This is a brand new Issue.

Title:

Frozen Foods Maintained Frozen

Issue you would like the Conference to consider:

Clarifying that Time Temperature Control in both Section 3-202.11(E) and 3-501.11 of the 2013 FDA Food Code is only necessary for Time Temperature Control for Safety Food (TCS) foods and not all frozen foods.

Public Health Significance:

Time Temperature Control in both Section 3-202.11(E) and 3-501.11 of the 2013 FDA Food Code is only necessary for Time Temperature Control for Safety Food (TCS) foods .

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format):

Section 3-302.11

(E) TIME/TEMPERATURE CONTROL FOR SAFETY ~~A~~ FOOD that is labeled frozen and shipped frozen by a FOOD PROCESSING PLANT shall be received frozen. Pf

and

Section 3-501.11

Stored frozen TIME/TEMPERATURE CONTROL FOR SAFETY FOOD~~S~~ shall be maintained frozen.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-027

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

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Issue History:

This is a brand new Issue.

Title:

Protecting Unwashed Produce From Cross Contamination

Issue you would like the Conference to consider:

The 2013 FDA Food Code does not prohibit storing raw animal foods above or contacting unwashed produce. Washing may not eliminate pathogens from produce exposed to cross contamination. The Food Code should be amended to include unwashed produce in the prohibition of storage under raw animal foods.

Public Health Significance:

Produce that will not be cooked to a specific temperature could cause an illness if exposed to cross contamination.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format):

3-302.11 Packaged and Unpackaged Food - Separation, Packaging, and Segregation.

(A) FOOD shall be protected from cross contamination by:

(1) Except as specified in (1)(c) below, separating raw animal FOODS during storage, preparation, holding, and display from:

(a) Raw READY-TO-EAT FOOD including other raw animal FOOD such as FISH for sushi or MOLLUSCAN SHELLFISH, ~~or other~~

(b) ~~r~~Raw ~~READY-TO-EAT~~ non-animal FOOD such as fruits and vegetables, P

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-028

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

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Issue History:

This is a brand new Issue.

Title:

Amend Returned Food and Re-Service of Food

Issue you would like the Conference to consider:

Request an interpretation from FDA that clarifies the intent of the 2013 Food Code Section 3-306.14(A) allowing for food that is immediately served and in possession of a consumer to be returned for further cooking before being returned to the same consumer.

Public Health Significance:

Food that is returned by the consumer after immediate service for further cooking, would not pose a risk when cooked to a higher temperature and returned to the same consumer.

Any potential contamination would be eliminated by the temperature of the cooking equipment, such as a grill. Separate single use utensils may be used for a returned item and then wash, rinsed, sanitized and air dried.

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA requesting an interpretation that clarifies/explains Section 3-306.14(A) of the 2013 Food Code and allows for return of food that is immediately served to a specific consumer back to the same consumer after further cooking. The letter shall also request that FDA post their final interpretation document to the FDA Food Code Reference System.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-029

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

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Issue History:

This is a brand new Issue.

Title:

Labeling for Food Allergen Cross-Contact

Issue you would like the Conference to consider:

Adding an addendum to the 2013 FDA Food Code subparagraph 3-602.11(B)(5) to include a statement on a product's label, when applicable, that cross-contact with specifically named allergens is possible.

Public Health Significance:

Consumers assume that delis, bakeries, grocery stores, restaurants, and other venues that sell pre-packaged foods (i.e., foods NOT produced and packaged in manufacturing plants that fall under the provisions of the Food Allergen Labeling and Consumer Protection Act, FALCPA) are labeled as stringently for the presence of allergens as manufactured products, and also assume that these venues practice strict allergen control. Because the labels seldom indicate the potential presence of allergens due to cross-contact, reactions have occurred, including food anaphylaxis deaths.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that subparagraph 3-601.11(B)(5) of the 2013 Food Code be amended as follows (language to add is underlined):

3-601.11 Food Labels.

(B) Label information shall include:

(5) The name of the FOOD source for each MAJOR FOOD ALLERGEN contained in the FOOD unless the FOOD source is already part of the common or usual name of the respective ingredient.[Pf] <u>When applicable, all pre-packaged items will have a label stating that the food may have been in contact with allergens specifically named by the venue preparing and/or packaging the product.</u>

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Supporting Attachments:

- "Suit in Allergy Death: Should Store Bakeries Have to Label? (redacted)"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-030

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

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Issue History:

This is a brand new Issue.

Title:

Documenting Food Allergy Labeling Violations

Issue you would like the Conference to consider:

Adding an addendum to the 2013 FDA Food Code Section 8-403.10(B) to include a provision to document on an inspection report form any violation of food allergen labeling on foods pre-packaged and sold by the establishment as required by 3-602.11(B)(5).

Public Health Significance:

Mislabeled pre-packaged foods can cause life-threatening anaphylactic allergic reactions.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the 2013 Food Code be amended to include a new subparagraph #7 in paragraph 8-403.10(B) (language to be added is underlined):

8-403.10 Documenting Information and Observations.

The REGULATORY AUTHORITY shall document on an inspection report form:

(B) Specific factual observations of violative conditions or other deviations from this Code that require correction by the PERMIT HOLDER including:

<u>(7) Failure of pre-packaged items produced by the establishment to include listed allergens and potential cross-contact with allergens, when applicable</u>.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-031

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

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Issue History:

This is a brand new Issue.

Title:

Harmonizing a Food Code Labeling Requirement w/ a CFR Labeling Requirement

Issue you would like the Conference to consider:

Subparagraph 3-602.11(B)(4) of the 2013 FDA Food Code requires that food packaged in a food establishment be labeled with the name and address of the manufacturer, packer, or distributor.

However, 21 Code of Federal Regulation (CFR) 101.100(b)(1) exempts a food repackaged in a retail establishment from being labeled with the name of the manufacturer, packer or distributor.

It would seem logical that the same exemption can be reasonably applied to any food packaged or repackaged in a food establishment. Customers have the opportunity to ask the operator about any aspect of the food and decide if their questions are sufficiently answered.

Public Health Significance:

Eliminating Food Code requirements that conflict with Federal food regulations and also provide limited benefit allows resources to be focused on higher risk items.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format):

Subparagraph 3-602.11

(B) Label information shall include:

(1) The common name of the FOOD, or absent a common

name, an adequately descriptive identity statement;

(2) If made from two or more ingredients, a list of ingredients

and sub-ingredients in descending order of predominance by weight, including a declaration of artificial colors, artificial flavors and chemical preservatives, if contained in the FOOD;
(3) An accurate declaration of the net quantity of contents;
~~(4) The name and place of business of the manufacturer, packer, or distributor; and~~
~~(5)~~ (4) The name of the FOOD source for each MAJOR FOOD ALLERGEN contained in the FOOD unless the FOOD source is already part of the common or usual name of the respective ingredient. Pf
~~(6)~~ (5) Except as exempted in the Federal Food, Drug, and Cosmetic Act § 403(g)(3) - (5), nutrition labeling as specified in 21 CFR 101 - Food Labeling and 9 CFR 317 Subpart B Nutrition Labeling.
~~(7)~~ (6) For any salmonid FISH containing canthaxanthin or astaxanthin as a COLOR ADDITIVE, the labeling of the bulk FISH container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin or astaxanthin.
retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin or astaxanthin.

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Conference for Food Protection
2016 Issue Form

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Issue History:

This is a brand new Issue.

Title:

Proposed Revision to Food Code Section 3-401.14, Non-Continuous cooking

Issue you would like the Conference to consider:

Subparagraph 3-401.14 of the 2013 FDA Food Code, together with supporting paragraphs 3-501.14 (A), 3-501.16 (A) (2), 3-401.11 (A-C), 3-501.19 & 3-302.11 (A), deals with very basic food safety principles; cooking, cooling and holding. This section is very prescriptive, lists all necessary steps for safe food preparation and does not require review of any new science to ensure it is being conducted properly.

Developing a non-continuous cooking procedure and providing a copy to the regulatory authority prior to implementation gives notice to the regulatory authority that the food establishment intends to conduct non-continuous cooking operations for raw animal foods and makes it possible for the regulatory authority to verify, if they so desire, that the appropriate non-continuous cooking procedures are being followed and that the requirements of §3-401.14 together with supporting paragraphs 3-501.14 (A), 3-501.16 (A), 3-401.11 (A-C), 3-501.19 & 3-302.11 (A) are being met.

Consequently, we request consideration of changing Section 3-401.14 (F) (1) of the FDA Food Code from requiring a food establishment to obtain pre-approval of a non-continuous cooking process to providing the regulatory authority notice of intent to conduct a non-continuous cooking process along with the procedures the food establishment will use to comply with section 3-401.14 of the FDA Food Code.

Public Health Significance:

This process would not result in any additional public health or food safety risk to consumers. Some of the benefits would include:

1. Developing a non-continuous cooking process and providing a copy to the regulatory authority prior to implementation gives notice to the regulatory authority that the food establishment intends to conduct non-continuous cooking operations for raw animal foods and makes it possible to verify that the appropriate non-

continuous cooking procedures are being followed and that the requirements of §3-401.14 are being met.

2. Subparagraph 3-401.14 deals with very basic food safety principles-heating, cooling and cooking. This section is very prescriptive, lists all necessary steps for safe food preparation and does not require review of any new science or evaluations to ensure it is being conducted properly.
3. This process would allow regulatory agencies to focus on reviews of processes they had concerns on and avoid detailed administrative reviews for complete processes.
4. Encouraging industry to submit their plans for their non-continuous cooking procedures to regulatory agencies for their review without a fear of potential delay that could take weeks or months.
5. Would allow for identification of establishments that needed additional training before implementing a non-continuous cooking process.
6. Reducing the need for overburdened regulatory agencies from needing to conduct a detailed review of each non-continuous cooking process and issuing approvals.
7. Places greater responsibility on industry to ensure their non-continuous cooking plans and procedures are sound and executed properly.

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA requesting that Subparagraph 3-401.14 (F) (1) of the 2013 Food Code be modified to read (language to be added is underlined; language to be deleted is in strikethrough format):

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

1. Have ~~obtained prior Approval from~~ been provided to the REGULATORY AUTHORITY prior to implementation describing the process they will use to comply with section 3-401.14;

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-033

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

Thawing 3-501.13

Issue you would like the Conference to consider:

With the change in the FDA Food Code to priority, priority foundation and core violations, I believe that the thawing of potentially hazardous food (time/temperature control for safety food (TCS)) should be a priority foundation violation rather than core. It should be a priority foundation violation since improper thawing methods can directly lead to the priority violation of Section 3-501.16.

The definition of a priority foundation violation (per preface page xi, 2013 FDA Food Code) is a provision that "supports, facilitate or enables one or more priority violations."

Public Health Significance:

Improper thawing methods can result in TCS foods being out of temperature control which can lead to bacterial growth and toxin production. Thawing should be viewed in the same manner as improper cooling methods (Section 3-501.15) which is a priority foundation violation. Especially, since many foods being thawed are previously cooked and cooled TCS foods.

The FDA Food Code and most enforcement policies give the regulatory authority the ability to take more immediate action and more progressive enforcement for a priority foundation violation than a core violation.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined)*:*

3-501.13 Thawing.

Except as specified in ¶ (D) of this section, potentially hazardous food (time/temperature control for safety food) shall be thawed:

(A) Under refrigeration that maintains the food temperature at 5°C (41°F) or less[Pf]; or

(B) Completely submerged under running water:

(1) At a water temperature of 21°C (70°F) or below [Pf],

(2) With sufficient water velocity to agitate and float off loose particles in an overflow[Pf], and

(3) For a period of time that does not allow thawed portions of ready-to-eat food to rise above 5°C (41°F)[Pf], or

(4) For a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified under ¶ 3-401.11(A) or (B) to be above 5°C (41°F), for more than 4 hours including:

(a) The time the food is exposed to the running water and the time needed for preparation for cooking[Pf], or

(b) The time it takes under refrigeration to lower the food temperature to 5°C (41°F)[Pf];

(C) As part of a cooking process if the food that is frozen is:(1) Cooked as specified under ¶ 3-401.11(A) or (B) or § 3-401.12[Pf], or

(2) Thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process[Pf]; or

(D) *Using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.*

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-034

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

Interpretation of Food Code Section 3-501.17 (A) & (B)

Issue you would like the Conference to consider:

When a Ready-to-Eat (RTE); Time/Temperature Control for Safety (TCS) food is prepared and held for more than 24 hours, the 2013 FDA Food Code requires that the product be properly Date Marked. It can be held for those 24-hours plus up to six additional days for a total of seven (7) days from the time it was prepared or from the time the original package was opened (in the case of commercially prepared food). By the end of 7-days, the food must either be used or discarded.

The language, "...date or day by which food shall be consumed, sold or discarded when held for a maximum of 7-days," found in Sections 3-501.17 (A) & (B) of the 2013 FDA Food Code is being variously interpreted by regulatory authorities. Consider this example: A facility that is a 24 hour operation prepares a RTE/TCS food at 11:00 pm on 1/1/16. It should not have to discard that food until 11:00 pm on 1/7/16. The product specifically has 24 hours from the precise time it was prepared (or opened) and then six (6) more days before it has to be fully used or discarded. The current language in the 2013 FDA Food Code is being interpreted by some regulators to mean that the food has to be discarded on 1/7/16 without regard to its actual "preparation time." This leads to confusion among operators and the unnecessary premature discard of food that has not yet reached the limit of its full 7-day shelf life.

On this basis, facilities are being given violations on health inspections and food is being wasted. For clarity, the terms "date or day" should be defined in the context of a 24-hour period of time and the calculation of 7-days should include the time-of-day as well as the date or day that the food is prepared or opened.

Public Health Significance:

With the designation of a specific time being placed on the Date Marking Label, it would allow both regulators and the food service facility to have a specific time line in which the RTE/TCS food would have to be properly discarded as required under Section 3-501.17 (A)

& (B) of the 2013 FDA Food Code and therefore less opportunity for miss-information pertaining to time line, date, and possible violation of this section.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting an interpretation that clarifies/explains the terms "date or day" in Section 3-501.17 (A) & (B) of the 2013 Food Code to better define a day as a 24 hour period of time with respect to the protocols for Date Marking. The Conference further requests that that the final interpretation document be posted to the FDA Food Code Reference System.

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2016 Issue Form

Issue: 2016 I-035

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

Missing reference in 2013 FDA Food Code Section 3-501.19(A)(1)(a)

Issue you would like the Conference to consider:

Section 3-501.19(A)(1)(a) of the 2013 FDA Food Code should reference 3-501.19(B)(1)-(4), not just (1)-(3). This would be consistent with its reference to the equivalent requirement in (C)(5).

3-501.19(B)(4) requires that, when using time without temperature control as the public health control, foods that are not marked or have exceeded the time are discarded. Adding (B)(4) to the reference in 3-501.19(A)(1)(a) will require that discarding such food be addressed in the required written procedures.

Public Health Significance:

Requiring disposal to be included in the time as a public health control procedures will help prevent unsafe food from being served or sold.

Recommended Solution: The Conference recommends...:

letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format*):*

3-501.19 Time as a Public Health Control.

(A) Except as specified under ¶ (D) of this section, if time without temperature control is used as the public health control for a working supply of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD before cooking, or for READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is displayed or held for sale or service:

(1) Written procedures shall be prepared in advance, maintained in the FOOD ESTABLISHMENT and made available to the REGULATORY AUTHORITY upon request that specify: [Pf]

(a) Methods of compliance with Subparagraphs (B)(1)-(~~3~~4) or (C)(1)-(5) of this section; [Pf]

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-036

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

Clarifying Date Marking Disposition

Issue you would like the Conference to consider:

Subparagraph 3-501.18(A)(3) of the 2013 FDA Food Code refers to a food that is "appropriately marked with a date or day that exceeds" date marking timeframes. The word "appropriately" is confusing.

Public Health Significance:

Clarifying the Food Code can help with compliance.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be deleted is in strikethrough format):

3-501.18 Ready-to-Eat, Time/Temperature Control for Safety Food, Disposition.

(A) A FOOD specified in ¶ 3-501.17(A) or (B) shall be discarded if it:

(3) Is ~~appropriately~~ marked with a date or day that exceeds a temperature and time combination as specified in ¶ 3-501.17(A). P

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-037

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

Amend Food Code - Additional Requirements for Consumer Advisories

Issue you would like the Conference to consider:

Amending Section 3-603.11 of the 2013 FDA Food Code to include training and verbal communication of risk.

Public Health Significance:

An *E. coli* O157:H7 outbreak occurred in May 2014, in which 12 became ill and 7 were hospitalized after eating hamburgers in restaurants in 4 different states (CDC, 2014). Initially, the Michigan Department of Health reported that undercooked ground beef eaten at several different restaurants was a suspected source (WILX News, 2014). A recall of 1.8 million pounds of ground beef products suspected of contamination by *E. coli* O157:H7 was subsequently issued (CDC, 2014; Erb, 2014). Interviews with the sickened individuals revealed that eight of the twelve had ordered their hamburgers cooked rare or medium rare (Andrews, 2015). Four of the five illnesses reported in Ohio were traced to a restaurant chain. Epidemiological investigation revealed that all of the cases were tied to one strain of *E. coli* O157:H7, but could not reveal whether the risk of consuming undercooked hamburgers had been communicated with consumers (Andrews, 2015; CDC, 2014). The outbreak highlights several issues. First, it reveals the riskiness of undercooked hamburgers and the restaurant culture of ordering undercooked hamburgers. It also shows that using terms such as "medium rare" are not effective in describing how well-cooked a hamburger will be.

Measuring the temperature of a hamburger with a thermometer is the only reliable method to determine that it has reached a safe temperature; color is not a reliable indicator of doneness. Hamburgers can brown at temperatures well below the recommended endpoint temperature (Hague *et al*., 1994, Lyon *et al.*, 2000). Premature browning is related to the oxidative state of the meat (Hunt *et al*, 1999). The form of myoglobin at the time of cooking directly correlated to the visual and instrumental analysis results; hamburger patties that contained deoxymyoglobin (DMb) had more pink color when cooked than those that

contained oxymyoglobin (OMb) and metmyoglobin (MMb) (Hunt *et al*, 1999). Numerous other factors can contribute to the color of ground beef. Cooking pre-frozen hamburger patties results in more premature browning than allowing patties to thaw before cooking (Hunt *et al*, 1999). pH played a direct role in the thermostability of the different myoglobin forms; as pH increased, OMb and MMb became more stable (Hunt *et al*, 1999). Hamburger containing less fat takes longer to cook than hamburgers with a higher fat content (Troutt *et al*., 1992). Meat from older carcasses showed a higher rate of premature browning than meat taken from younger carcasses (Marksberry, 1990).

Chefs and other culinary specialists cite methods of determining doneness other than temperature, such as color and touch (Levine and Chapman, 2014). A local food writer and chef writes about cooking hamburgers, "With practice, you can check doneness by touch: a little give for medium and just barely firm for well-done. Until you get good enough at that, though, the best bet is to peek. Make a small slit in a thicker part of the burger. The interior will be light pink for medium or just browned all the way through, but still juicy, for well-done." (Washington Post, 2007).

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA recommending the 2013 Food Code be amended to include clarifying language for written procedures as follows (new language is underlined):

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, <u>supplemented with verbal confirmation</u>. Pf

<u>Those who are communicating to consumers must be trained in the hazards and risks associated with consuming raw or undercooked animal foods not otherwise processed to eliminate hazards and how to convey risk messages verbally to consumers.</u>

(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

(2) Identification of the animal-derived FOODS by asterisking them to a footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients. Pf

<u>(3) State there is a risk for foodborne illness associated with what they are ordering</u>

<u>(4) provide a safe temperature guideline so the consumer can request that temperature if desired, with a statement of how to significantly reduce risk (i.e., ordering cooked to above a certain endpoint temperature).</u>

(5) State that color is not an indicator of doneness.

(C) REMINDER shall be conducted verbally include asterisking the animal-derived FOODS requiring DISCLOSURE to a footnote that states:

(1) Regarding the safety of these items, written information is available upon request; Pf

(2) Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness;Pf or

(3) Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne Pf illness, especially if you have certain medical conditions.

(4) The verbal statement must include that ordering /purchasing raw undercooked product increases risk of foodborne illness. All references to determining safety and doneness of a product should be made to temperature, not color or other indicators that are not reliable.

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Supporting Attachments:

- "Of course I know what I'm talking about: Assessment of Risk Communication a"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-038

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

Raw Animal Foods – Consumer Advisory

Issue you would like the Conference to consider:

Section 3-401.11(D) and 3-401.11(D)(3) in the 2013 FDA Food Code allow:

"3-401.11(D) A raw animal food such as raw egg, raw fish, raw-marinated fish, raw Molluscan shellfish, or steak tartar; 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:"

"3-401.11(D)(3) the CONSUMER is informed as specified under 3-603.11 that to insure its safety, the FOOD should be cooked as specified under (A) or (B) of this section;"

However, Section 3-603.11 does not require that the food establishment provide language informing the consumer how to request or select the animal food cooked as specified under 3-401.11(A)(B)

Since section 3-603.11 does not require the food establishment to provide language for how consumers can request or select animal food cooked as specified under 3-401.11(A)(B) people who want to order their animal food cooked safely may accidentally receive it partially cooked.

Food establishments that utilize the consumer advisory should have to have an ordering system in place that informs the consumer what to say to request or select their animal cooked as specified under 3-401.11(A)(B). Ordering animal food raw or partially cooked should be a willful act on the part of the consumer. Serving an animal food raw or partially cooked should be an intentional act on the part of the food establishment.

If, for example, a food establishment uses the terms rare, medium-rare, medium, medium-well and well done for placing an order they need to be able to convey to the consumer and the regulatory authority, in writing and upon request, which of those terms will result in the food being cooked pursuant to 3-401.11(A)(B).

By adding a new section to 3-603.11 it will:

1. Still enable consumers to request or select animal foods raw or partially cooked.
2. Allow consumers to order animal foods that are subject to the consumer advisory to be cooked safely.
3. Allow each food establishment that utilizes the consumer advisory to use their own ordering language to comply with this requirement.
4. Give regulators a way to hold the permit holder more accountable to the temperature requirements of section 3-401.11(A)(B) for those menu items that have a consumer advisory.

Public Health Significance:

The 1993 E. coli O157:H7 outbreak linked to a popular fast food restaurant chain fundamentally changed how beef is slaughtered, processed, distributed, and cooked in the United States. The outbreak, which sickened over 500 people and caused the death of four children was the catalyst for:

- E. coli O157:H7 and Hemolytic Uremic Syndrome (HUS) being added to the federal list of reportable diseases by the Center for Disease Control (CDC) in 1995,
- The Food and Drug Administration (FDA) raising their recommended internal temperature of cooked hamburgers to 155 degrees Fahrenheit in 1993,
- The United States Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) declaring E. coli O157:H7 to be an adulterant in raw ground beef in 1994. (In 2011 six additional strains of E. coli were declared to be adulterants.)
- The USDA initiating a monitoring program for E. coli O15:H7 in raw ground beef,
- FSIS initiating a program to encourage better testing and controls by industry and,
- FSIS began requiring safe food handling labels on all raw meat and poultry.

Those measures, along with systematic changes in critical control points in processing by the beef industry, were intended to minimize E. coli contaminated beef from entering the food supply. However, the approximately 1.8 million pound recall of ground beef tied to E. coli O157:H7 in 2014; separate 5.3 million pound and 1.36 million pound recalls in 2008; a 21.7 million pound recall in 2007; and a 25 million pound recall in 1997 highlight the continued risk of contaminated beef reaching the consumer. The risk associated with E. coli is of particular concern as there is still no effective way to prevent the onset of HUS in those patients that contract a Shiga toxin-producing E. coli infection.

There are many other pathogens associated with raw and partially cooked animal foods. Poultry, Pork, Egg and Seafood Producers as well as the producers of other amenable and non-amenable meats all have challenges similar to the Beef Producers and yet unique to their own industries. Hepatitis A, Listeria monocytogenes, Clostridium botulinum, Clostridium perfringens, Campylobacter jejuni, Staphylococcus spp., Salmonella spp., Shigella spp., Vibrio spp., and Norovirus are among those diseases that are transmissible from raw animal foods. The risk of these illnesses being transmitted is increased when the animal foods associated with these pathogens are served raw or partially cooked.

At a food establishment, a consumer should be able to order animal foods- cooked safely- to minimize the risk of getting sick from these foodborne pathogens. Given the current

language of the FDA Food Code, if there is a consumer advisory present on the menu, there is often no effective means for the consumer to order food cooked safely.

The annex of the 2013 FDA Food Code states "the requirements specified under 3-401.11(D) acknowledge the rights of an informed consumer to order and consume foods as preferred by that consumer based on the consumer's health status and understanding of the risks associated with eating raw or partially-cooked animal foods."

However, I do not believe that 3-401.11 and 3-603.11, as written, adequately protect the rights of the consumers who want their animal foods cooked pursuant to 3-401.11(A)(B). Those consumers often have no effective means to order animal food cooked safely in those food establishments that choose to provide a consumer advisory.

It also has caused the unintended consequence that the regulatory community is not able to hold a food establishment accountable for accidentally undercooking animal food when there is a consumer advisory present on the menu.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined)*:*

Section 3-603.11

(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 table tents, placards, or other effective written means; and provide an effective means for ordering as specified in (D) of this section.

(D) the FOOD ESTABLISHMENT has, in writing and available to the CONSUMER and REGULATORY AUTHORITY, ordering information that will give the CONSUMER an effective means of requesting or selecting the animal FOOD cooked pursuant to 3-401.11(A)(B)[Pf]

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-039

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

Addition of new Food Code section: Grinding Logs

Issue you would like the Conference to consider:

This proposal requests the addition of a requirement for retail food establishments to comply with regulations issued by the Food Safety and Inspection Service (FSIS) that require certain retail food establishments that grind raw beef products to maintain records of the source for the materials they use, date and time the beef was ground, and date and time when grinding equipment was cleaned and sanitized. At the retail level, state and local governments provide for regulatory oversight and enforcement. The purpose of this proposal is to provide in the 2013 FDA Food Code a requirement for retail food establishments to comply with 9 CFR (Code of Federal Regulations) 320.

Public Health Significance:

The Food Code recognizes that consumers are at risk of foodborne illness from undercooked or improperly cooked meat items, particularly ground beef. Some retail food establishments 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 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 undercook such products, which is insufficient to kill pathogens.

FSIS in promulgating the rule on "Records To Be Kept by Official Establishments and Retail Stores That Grind Raw Beef Products" has recognized that when illnesses occur, it is necessary to have complete records for purposes of tracing the contaminated product to its source. The Association of Food and Drug Officials (AFDO) requested FSIS to submit the rule to the Conference for Food Protection for adoption into the Food Code to address issues of oversight and enforcement.

It would thus serve public health for the Conference to act on AFDO's recommendation.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the 2013 Food Code be amended with the addition of the following language to the appropriate section or paragraph of Part 3-2, Sources, Specifications, and Original Containers and Records (language to be added is underlined):

Grinding Log.

As required under 9 CFR 230, a grinding log shall be maintained for any beef products that are ground on the premises of a food establishment, and such log shall be open and available for inspection upon request of a duly authorized inspector.

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Supporting Attachments:

- "Official Comments from the Association of Food and Drug Officials"
- "Final Rule: Records to be Kept by Official Establishments and Retail Stores"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-040

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

FOOD guard criteria comprise a CORE item, not a PRIORITY ITEM.

Issue you would like the Conference to consider:

Section 3-306.11 of the 2013 FDA Food Code describes FOOD guards as a PRIORITY ITEM ("P"). "Preface x" of the code defines a PRIORITY ITEM as ". . . *a provision in this Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness. . ."*

We looked for data to support the categorization of FOOD GUARDS as PRIORITY ITEMS. A review of scholarly articles and discussions with epidemiologists at various agencies, including Dr. Aron Hall at the CDC did not turn up any evidence of food borne disease transmission being associated with the lack of FOOD GUARDS, or their being out of position in some way. Frankly, we were surprised as retail grocery stores merchandise produce without FOOD GUARDS, and we had assumed that if there was data it would likely be associated with these large and numerous open food display areas. Instead, Dr. Hall responding in writing to our inquiry, stated that he was not aware of any data indicating a relationship between FOOD GUARDS and disease transmission. Section 3-306.11 "FOOD DISPLAY" is designated as a PRIORITY ("P") item, and requires food on display to be protected by various means, one of which is by the use of FOOD GUARDS, which are also known as "sneeze guards". The American National Standards Institute (ANSI) sanitation standard for FOOD GUARD's extremely granular and its specified measurements for the food guard based upon the anthropometrics of "the average person" whereby the guard or shield, must intercept the straight line from the "average" persons mouth to the food on display. If a regulatory authority determines that a ANSI sanitation listed FOOD GUARD is slightly out of place given its installation on the counter and the location of the food on display, the operator is cited for a critical violation. The entire premise of using these precise measurements for the "average" persons anthropometrics lacks substance. Designing a functional, compliant food guard is often an impossible feat as consumers can range in height from 4' tall in elementary school, to 6'8" tall and taller in high school, or in a corporate cafeteria or any other commercial food service operation. Because compliant FOOD GUARDS are often (if not always) an obstruction to reach-in

access for many above or below average persons, patrons have to contort themselves to reach their desired items, and in so doing can touch with hands or articles of clothing - other foods. Touching ready to eat foods with hands is a known contributing factor to food borne disease transmission. Food Guards being in or out of position to intercept the direct line from the average persons mouth to the food on display, is not a contributing factor to food borne disease transmission. We maintain that function takes precedence over form and that when FOOD GUARDS are provided, they must enable convenient access of food for the self-service guest. Further, there is no critical need for the food guard to intercept the line from the average persons mouth to the food on display as theorized and assumed as is evidenced by the ANSI sanitation standards precise measurement criteria.

Public Health Significance:

PRIORITY ITEM ("P") designations are supposed to be reserved for critical safety criteria for hazards known to contribute to food borne disease and injury. Assigning this designation to items that lack criticality such as FOOD GUARD'S, is wasteful and does nothing to promote food safety. The mis-categorization of this risk adds confusion and diminishes the importance of other to Priority designations due to its arbitrary, non-scientific categorization. Further, because ("P") item criteria comprise the highest risk categorization in the FDA Food Code, inspection agencies and design professionals are persuaded to waste thousands if not millions of hours every year complying with the arbitrary ANSI sanitation standards specified measurements because of the sections Priority designation. The cost of of compliance with section 3-306.11 is staggering, especially in light of the fact that it does nothing to improve public health and safety and instead wastes valuable time and money that could instead be used to mitigate risk factors known to contribute to food borne disease transmission.

There are some other reasons one might want a FOOD GUARD. For example, it could be used as a barrier or heat shield adjacent to a griddle or a broiler, or perhaps a hot food well or baines marie. But the ANSI sanitation measurements for a FOOD GUARD's are irrelevant for these examples - as the function of the FOOD GUARD here is actually to be a patron or child guard to reduce likelihood that they could be burned. Surely no reasonable person would think that the FOOD GUARD provides any microbial risk mitigation in these examples, as the thermal mass of the hot food would destroy any aerosolized organism from a cough or sneeze on contact. One could argue that such a guard protects from physical hazards. But foods on display are there for a short amount of time, and there is no data to suggest a physical or chemical hazard exists whether there is a FOOD GUARD used or not.

When the ANSI sanitation standards precise measurement requirements for FOOD GUARDS result in them becoming an obstacle to easy access to food, a documented hazard to the food is created; the inadvertent bare hand contact with ready to eat foods. The logical risk based preventative control for this hazard is to require convenient access to foods for all consumers, even those that are above or below "average", or handicapped. FOOD GUARDs that are obstacles to food access cause many patrons to simply choose not to reach for the item, diminishing the sales opportunity for the operator and the nutritional choice of the consumer. This is especially true with children and the handicapped.

Lacking scientific data that FOOD guards effectively protect food from contamination, the PRIORITY ITEM designation in section 3-306.11 of the FOOD CODE is arbitrary and inappropriate. This is not to say that FOOD guards cannot or should not be used. Rather, when FOOD GUARDS are used, form must follow function. Finally, FOOD GUARDS comprise a Core item, not a Priority item nor a Priority foundation item.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format)*:*

Section 3-306.11 Food Display.

~~Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the CONSUMER before consumption,~~ FOOD on display ~~shall~~ can be ~~protected from contamination~~ shielded by the use of PACKAGING; counter, service line, or salad bar FOOD guards; display cases; or other ~~effective~~ means [P]. When FOOD guards are used, they shall be installed and maintained in a manner that allows self-serve consumers convenient access to the displayed foods.

Section 4-204.12 Equipment Openings, Closures and Deflectors

(E) When FOOD guards are provided, they shall be installed and maintained in a manner that self-service consumers are allowed convenient access to the food in order to reduce the risk of inadvertent hand or clothing contact with other foods on display.

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Supporting Attachments:

- "CDC Food Guards (2015)"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-041

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

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Issue History:

This is a brand new Issue.

Title:

Food equipment cleanability and design

Issue you would like the Conference to consider:

Contaminated food contact surfaces of food equipment are known to be a contributing factor to food borne disease transmission. At a minimum, food contact surfaces should be designed and formed of materials conducive to their effective cleaning and sanitation across their entire service life, not just the first day they were placed into service. At a minimum, these surfaces should have recommended cleaning and sanitizing protocols that include frequency, methods and means.

American National Standards Institute (ANSI) performance certification standardized tests are only performed on brand new (virgin) equipment, the surfaces of which are free of any wear and/or food residue/biofilm accumulation at the time of certification testing. There are no current ANSI Sanitation performance certification test methods to ensure that equipment food contact surfaces can be effectively cleaned and sanitized beyond the food equipment's first use.

Matrices of soils, including inorganic and organic matter accumulates on food contact surfaces, if not cleaned and sanitized with a specific frequency using effective methods can harbor opportunistic microorganisms of many species. These include the spoilers along with pathogenic bacteria and virus. A discipline of focused and continuous effort to clean and then sanitize these surfaces is needed to ensure a reasonable standard of care, especially in those operations that serve highly susceptible persons. The artifact definition of CLEAN (*to sight and touch*) is not sufficient for food contact surfaces that are inaccessible to sight or touch.

Equipment that requires clean and sanitize in place (CIP, or CSIP) processes to clean and sanitize food contact surfaces that are not readily accessible for inspection present the greatest risk from this gap in ANSI sanitation performance certification testing. Examples include internal food contact surfaces in ice machines such as its harvest plates, sumps and the potable lines interconnecting them. Risk is amplified when a carbon filter is placed upstream from the ice machine, which is often the case. The reference link #3 below

presents a table showing growth rates for biofilms in drinking water lines where there is no residual chlorine. Since carbon filters remove chlorine, this chart has direct correlation to wetted surfaces leading into and within an icemaker. Other reference links below provide evidence of growth and propagation of biofilms even in ice waters.

Other examples of food equipment that are dependent upon CIP processes that are ill defined in the code and within ANSI sanitation standards include the interior surfaces of product lines used to deliver jumpable Time Temperature for Safety Food 9TCS0 products from a walk-in refrigerator (for example) to a dispenser (or dispensing freezer); or condiments from a bag-in-the-box to the point of application, along with soda and juice dispensers.

Section 4-205.10 of the FDA Food Code states that equipment listed to an ANSI sanitation standard is deemed to comply with chapters 4-1 and 4-2. Such a listing *does not* however relieve the operator of their duty to comply with everything else in chapter 4 beyond 4-2, such as section 4-6 and 4-7 and the remainder of the code. It is unfortunate that Section 4-602.11 (E) (4) (a) and (b) introduce an arbitration in the science based safety of the code. Here is the current text:

(4) In EQUIPMENT such as ice bins and BEVERAGE dispensing nozzles and enclosed components of EQUIPMENT such as ice makers, cooking oil storage tanks and distribution lines, BEVERAGE and syrup dispensing lines or tubes, coffee bean grinders, and water vending EQUIPMENT:

(a) At a frequency specified by the manufacturer, or

(b) Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

Coffee bean grinders, and cooking oil storage tanks have little in common with the other examples listed in this food codes criteria section as they do not relate to equipment designed to prepare, hold or convey liquid food products. This inconsistency creates an arbitrary circumstance that obfuscates hazards associated with food equipment with internal or external liquid food plumbing lines that otherwise lack inspection ports or access openings for all or most of the equipment's wetted food contact surfaces.

Section 4-205.10 (4) (a) (above) infers that following a manufacturers instruction for use of their equipment will ensure a reasonable standard of care. This is inaccurate. Though it is true that the manufacturer is strictly liable for their equipment design, this liability does not ensure food-safe equipment design. Few manufacturers of food equipment have conducted any kind of professional risk analysis, whether internally or a third party of the potential hazards to foods prepared or processed using their equipment across the life of their equipment.

Generally speaking, the industry pursues product certification to a large extent because it is the shortest well-traveled path to obtaining local approvals, nationwide. Their overall goal is compliance with local interpretations of adopted rules and regulations, and they rely upon the codes and standards development organizations to have their acts together to ensure reasonable minimum safety. We have let them down with this issue.

It is well known today that though a surface may appear "clean" to sight and touch it can still be contaminated with fats, oils and other invisible organic matter that both inactivates sanitizers and shields pathogens. In food equipment dependent upon clean and sanitize in

place (CSIP/CIP), surfaces can be coated with P*seudomonas spp* (biofilms) and with them myriad other microorganisms. *Pseudomonas aeruginosa* is a gram negative, rod shaped pathogen common in almost all biofilms and is particularly dangerous to highly susceptible persons with diminished immune systems. *Pseudomonas fluorescens,* though less common and considered less virulent is known to continue to grow in waterlines and other fluid food lines at temperatures as low as 4 degrees Celsius (4ºC/39.2ºF).

Because the internal surfaces of small bore water lines and tubing common in liquid foodservice and beverage equipment (which includes foods such as potable water, ice, coffee, tea, juice, beer, wine, soda, etc) are inaccessible, there is no way of visually determining if biofilms are present. Without competent risk analysis as is now required in the Food Safety Modernization Act (FSMA) as described in the hazard analysis risk based preventative control (HARPC) regimes, there is no reasonable way to ensure that the manufacturers recommended cleaning and sanitizing protocols and frequency are adequate to ensure continuously sanitary food contact surfaces.

Hazard analysis critical control point (HACCP) regimes with their prerequisite programs (PRP's) and the new Hazard Analysis and Risk-based Preventive Controls (HARPC) programs with their Sanitation Standard Operation Procedures (SSOPs) provide a method by which reasonable interventions are put in place to mitigate risks to food. The fact that there are food contact surfaces that cannot be accessed for inspection, cleaning and sanitation by itself should be enough for any reasonable person concerned about public health and safety, to seek answers to the questions of risk, and to pursue improvement in poorly designed equipment with food contact surfaces that cannot be effectively inspected, cleaned and sanitized, or verified to be clean and sanitary. What is needed for equipment with inaccessible food contact surfaces is a risk based preventative control approach to ensure food safety.

Public Health Significance:

Failure to properly clean and sanitize food contact surfaces has been identified as a significant contributing factor to food borne disease transmission. Because the ANSI sanitation standards do not exist for testing food contact surfaces across their service life for continuous cleanability and sanitation suitability, the FDA Food Code needs to add new minimum safety criteria to fill the gap.

Section 4-602.11 has been used as a kind of catch-all waste basket for criteria that did not fit well in other sections of the code, or for things that are or were considered to be of lesser importance. For example, this section not only covers equipment used with liquid foods, some of which are TCS, but also coffee grinders and other equipment systems that lack similar microbiological risks. For these reasons we recommend that coffee grinders and the (hot) cooking oil systems be removed from this section entirely and replaced with examples of food service equipment with liquid food plumbing lines that depend upon a clean and sanitize in place (CSIP or CIP) capabilities to ensure clean and sanitary food contact surfaces. From a risk analysis, categorization and prioritization perspective, it is more appropriate that coffee grinders, meat saws, large cutting boards and other food equipment food contact surface too large to be cleaned out of place (COP) in a sink or dish washer should be subjected to in place cleaning (IPC) protocols, pursuant to their listings and the manufacturers instructions.

Reference links -

1. Control of Biofilm Growth in Drinking Water Distribution Systems http://infohouse.p2ric.org/ref/15/14291.pdf

2. Phylogenetic and Functional Heterogeneity of Sediment Biofilms along Environmental Gradients in a Glacial Stream http://aem.asm.org/content/67/2/799.full

3. Water Contamination Emergencies Managing the Threats (see last page discussion) - http://tinyurl.com/ntah4mg

4. Spread of *Pseudomonas fluorescens* Due to Contaminated Drinking Water in a Bone Marrow Transplant Unit: http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3122780/

5. Contaminated feeding bottles: the source of an outbreak of Pseudomonas aeruginosa infections in a neonatal intensive care unit: http://www.ncbi.nlm.nih.gov/pubmed/19059675

6. Other peer reviewed publications: https://www.yousendit.com/download/ZWJWR0lVNXZtNEs1eDhUQw

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined; language to be deleted is in strike through format):

Section 4-602.11

(A) through (D) remain unchanged.

(E) Except when dry cleaning methods are used as specified under § 4-603.11, surfaces of UTENSILS and EQUIPMENT contacting FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be cleaned and sanitized:

(1) At any time when contamination may have occurred;

(2) At least every 24 hours for iced tea dispensers and CONSUMER self-service UTENSILS such as tongs, scoops, or ladles;

(3) Before restocking CONSUMER self-service EQUIPMENT and UTENSILS such as condiment dispensers ~~and~~, display containers, ice bins; and

(E)(4) In EQUIPMENT ~~such as ice bins and BEVERAGE dispensing~~

~~nozzles and with enclosed~~ with enclosed liquid food plumbing line components ~~of EQUIPMENT~~ such as dispensing freezers ice makers and dispensers, ~~cooking oil storage tanks and distribution lines~~, BEVERAGE, syrup and condiment dispensing lines or tubes, ~~coffee bean grinders and~~ water vending EQUIPMENT and similar enclosed liquid food contact surfaces that depend upon CSIP processes for safety:

1. *At a frequency of once a week or more frequently as may be necessary to ~~preclude accumulation of soil or mold~~ prevent accumulation of soils or the formation of biofilms, molds and other foreign contaminants.*
2. *Or at a frequency as recommended by the manufacturer when publicly available third party process validation test data supports their recommended cleaning and sanitizing frequency and protocols given their equipment's intended use and expected service life.*

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2016 Issue Form

Issue: 2016 I-042

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

Towel Drying Exception For Equipment Removed From High-Temp Dish Machines

Issue you would like the Conference to consider:

Wet stacking of equipment and utensils is a common issue and cause of concern in many food service establishments. Most facilities lack the space or time to adequately air dry utensils and equipment; therefore, stacking items while wet is frequently observed.

Single-use disposable towels, if used and stored appropriately, are sanitary. A single-use disposable towel could be used to dry equipment and then be discarded. Towel drying would also give the employee another chance to discern whether the items may need to be rewashed.

Public Health Significance:

Wet stacking prevents equipment from drying and increases the potential for bacterial growth. When food particles are not sufficiently removed in the washing process, the equipment, utensils, and food contact surfaces stacked wet support the growth of microorganisms, thus risking the public's health.

When utilizing a high-temperature sanitizing warewashing machine that reaches a temperature of at least 71°C(165°F) for a stationary rack warewashing machine or 82°C(180°F) for all other mechanical hot water sanitizing machines, the final rinse of the high temperature sanitizing warewashing machine should not exceed 90°C(194°F). If the high temperature sanitizing warewashing machine is operating according to manufacturer's specifications, and temperature limits have been met according to 4-501.112 to ensure surfaces of multiuse utensils and equipment accumulate enough heat to destroy pathogens, then single-use disposable towels used to remove remaining moisture should not pose a public health risk.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA recommending the 2013 Food Code be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format):

[4-901.11] Equipment and utensils, ~~Air-drying required,~~ Drying

After cleaning and sanitizing, equipment and utensils:

(A)Shall be air-dried or used after adequate draining as specified in the first paragraph of 40 CFR 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface sanitizing solutions), before contact with food. Stacking of wet items shall be prohibited; *OR*

(B)May not be cloth dried except that UTENSILS have been air-dried may be polished with cloths that are maintained clean and dry, *OR*

(C)May be hand-dried using individual, single-use disposable towels after removal from a high-temperature sanitizing warewashing machine operated as specified under 4-501.112

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-043

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

Harmonizing Direct Drain Connection Allowances with Plumbing Codes

Issue you would like the Conference to consider:

Paragraph 5-402.11(C) of the 2013 FDA Food Code allows a direct drain connection from warewashing machines if certain conditions exist. Various plumbing codes require direct drain connections for warewashing machines and warewashing sinks. However, in the absence of a plumbing code, food establishments are subjected to unnecessary requirements.

The 5-402.11(C) allowance should be extended to warewashing sinks that are not used for food preparation if the installation conditions specified in 5-402.11(C) are met.

Public Health Significance:

Eliminating Food Code requirements that conflict with other regulatory requirements, when the level of public health protection is not compromised, reduces difficulties faced by food code regulatory agencies.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined):

Paragraph 5-402.11(C)

(C) *If allowed by LAW, a WAREWASHING machine <u>or WAREWASHING sink</u> may have a direct connection between its waste outlet and a floor drain when the machine <u>or sink</u> is located within 1.5 m (5 feet) of a trapped floor drain and the machine <u>or sink</u> outlet is connected to the inlet side of a properly vented floor drain trap.*

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-044

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

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Issue History:

This is a brand new Issue.

Title:

Hot Water Provided at Service Sink

Issue you would like the Conference to consider:

Clarify that hot water is required to be provided at a service sink. Currently, this violation is cited under 5-501.18 using the ambiguous reference in Annex 3 of "proper equipment and supplies must be made available to accomplish thorough and proper cleaning of garbage storage areas and receptacles so that unsanitary conditions can be eliminated". While some public health jurisdictions may be able to require hot water at a service sink through their local plumbing codes, others cannot.

Public Health Significance:

An accumulation of greasy food residue left behind after cleaning waste receptacles, mops and mop buckets with only cold water can create a harborage area for pathogens and contribute to the breeding of pests.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined):

Section 5-203.13(A)

(A) At least 1 service sink or 1 curbed cleaning facility equipped with a floor drain <u>and equipped to provide water a temperature of at least 38°C (100°F)</u> shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.

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Conference for Food Protection
2016 Issue Form

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

Consolidating Chemical Storage Provisions in the Food Code

Issue you would like the Conference to consider:

The chemical storage provisions in the 2013 FDA Food Code should be combined into one section.

In earlier versions of the code the respective paragraphs (A) were "Swing" violations, which made the division necessary. However, both storage above and immediately adjacent are classified as Priority violations.

Public Health Significance:

Simplifying the Food Code can help with compliance.

Recommended Solution: The Conference recommends...:

a letter be sent to FDA recommending consolidating Sections 7-201.11 and 7-301.11 and paragraphs of the FDA 2013 Food Code into one section and deleting Section 7-301.11 (language to be inserted is underlined; language to be deleted is in strikethrough format):

7-201.11 Separation.

POISONOUS OR TOXIC MATERIALS shall be stored<u>, handled and displayed, whether for use in the food establishment or for retail sale,</u> so they can not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLESERVICE and SINGLE-USE ARTICLES by~~:~~

~~(A) S~~<u>s</u>eparating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning~~; P~~ and

~~(B) L~~<u>l</u>ocating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE or SINGLE-USE ARTICLES. *This paragraph does not apply to EQUIPMENT and UTENSIL cleaners and SANITIZERS that are stored in WAREWASHING areas for availability and convenience if*

the materials are stored to prevent contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES. P

"POISONOUS OR TOXIC MATERIALS shall be stored, handled and displayed, whether for use in the food establishment or for retail sale, so they can not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLESERVICE and SINGLE-USE ARTICLES by separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning and locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE or SINGLE-USE ARTICLES. *This paragraph does not apply to EQUIPMENT and UTENSIL cleaners and SANITIZERS that are stored in WAREWASHING areas for availability and convenience if the materials are stored to prevent contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.* P"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-046

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

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Issue History:

This is a brand new Issue.

Title:

Removing the Reference to Restricted Use Pesticides in 7-202.12(B)(2)

Issue you would like the Conference to consider:

Section 7-202.12(B)(2) of the 2013 FDA Food Code provides basic requirements to prevent pesticide contamination in food establishments. However, the requirements are limited Restricted Use Pesticides. Most pesticides being used in food establishments are not Restricted Use Pesticides, as labeled per EPA regulations.

Although pesticides labeled for use in food establishments will have use directions that require taking these precautions, having the requirements in the Food Code eliminates the need to document the label use directions in instances where the precautions are not taken.

Public Health Significance:

Extending the pesticide use requirements in Section 7-202.12(B)(2) to include General Use Pesticides will further reduce the chance of pesticide contamination of food.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be deleted is in strikethrough format):

7-202.12 Conditions of Use.

POISONOUS OR TOXIC MATERIALS shall be:

(A) Used according to:

(1) LAW and this Code,

(2) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a FOOD ESTABLISHMENT, [P]

(3) The conditions of certification, if certification is required, for use of the pest control materials, [P] and

(4) Additional conditions that may be established by the REGULATORY AUTHORITY; and

(B) Applied so that:

(1) A HAZARD to EMPLOYEES or other PERSONS is not constituted, [P] and

(2) Contamination including toxic residues due to drip, drain, fog, splash or spray on FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES is prevented, and ~~for a RESTRICTED USE PESTICIDE,~~ this is achieved by: [P]

(a) Removing the items, [P]

(b) Covering the items with impermeable covers, [P] or

(c) Taking other appropriate preventive actions, [P] and

(d) Cleaning and SANITIZING EQUIPMENT and UTENSILS after the application. [P]

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-047

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

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Issue History:

This is a brand new Issue.

Title:

Temporary Food Establishment Inspection Intervals

Issue you would like the Conference to consider:

The 2013 FDA Food Code Section 8-401.10(C) states that:

The regulatory authority shall periodically inspect throughout its permit period a temporary food establishment that prepares, sells, or serves unpackaged potentially hazardous food (time/temperature control for safety food) and that:

(1) Has improvised rather than permanent facilities or equipment for accomplishing functions such as handwashing, food preparation and protection, food temperature control, warewashing, providing drinking water, waste retention and disposal, and insect and rodent control; or

(2) Has inexperienced food employees.

While this is a nondebitable code provision the use of the word "shall" means that the act is "imperative" and constitutes a command to the regulatory authority. However, based on risk, it may not be necessary for the regulatory authority to inspect a temporary food establishment (TFE) more than once even if the conditions stated in 8-401.10(C)(1) or (2) exist.

I propose changing the word shall to may.

Public Health Significance:

I do not believe there is a public health rationale for the use of the word "shall" in 8-401.10(C). By changing it to "may" it would still permit/allow the regulatory authority to conduct more than one inspection of the TFE during the operational period if they determine it is necessary.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format)*:*

Section 8-401.10

(C) The REGULATORY AUTHORITY ~~shall~~ may periodically inspect throughout its PERMIT period a TEMPORARY FOOD ESTABLISHMENT that prepares, sells, or serves unPACKAGED TIME/TEMPERATURE CONTROL FOR SAFETY FOOD and that:

(1) Has improvised rather than permanent facilities or

EQUIPMENT for accomplishing functions such as

handwashing, FOOD preparation and protection, FOOD

temperature control, WAREWASHING, providing DRINKING

WATER, waste retention and disposal, and insect and

rodent control; or

(2) Has inexperienced FOOD EMPLOYEES.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 I-048

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

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Issue History:

This issue was submitted for consideration at a previous biennial meeting, see issue: 2012 I-038; new or additional information has been included or attached.

Title:

Inclusion of Inspection Result Posting in Food Code

Issue you would like the Conference to consider:

Rigorous health inspections are a critical component of an effective food safety system. The 2013 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. This proposal was submitted previously to CFP and since that time, numerous jurisdictions have adopted requirements for restaurants to post inspection results and published articles highlighting this practice's benefits to public health *(see supporting attachments to this Issue)*.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that a new section be added to the 2013 Food Code as follows (language to be added is underlined):

8-4 Inspection and Correction of Violations

<u>8-403.51 Public Posting.</u>

The REGULATORY AUTHORITY shall make available the results of the inspection report by requiring the timely posting of the most recent inspection results in 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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Supporting Attachments:

- "Letter Grading and Transparency Promote Restaurant Food Safety in New York"
- "Study of Retail Food Establishment Inspection Scoring and Grading Systems"
- "Impact of a Letter-Grade Program on Restaurant Sanitary Conditions (Part I)"
- "Impact of a Letter-Grade Program on Restaurant Sanitary Conditions (Part 2)"
- "Poster: Feasibility of Restaurant Letter Grading in Utah"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-001

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

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Issue History:

This is a brand new Issue.

Title:

Report and Re-create - Employee Food Safety Training Committee

Issue you would like the Conference to consider:

Acknowledge the Food Employee Food Safety Training Committee report and re-create the committee for the 2016-2018 biennium.

Public Health Significance:

Food employees trained in food safety have the potential to decrease incidents of foodborne illness in foodservice establishments. The existence of many variations of food safety training requirements in many jurisdictions throughout the United States makes it difficult for foodservice establishments that have more than one location to have a consistent food employee food safety training program. Foodservice establishments could more readily and efficiently offer effective food employee training if consistent national food employee training standards were created. Such standards would encourage more food employee training in food safety and could improve public health.

Recommended Solution: The Conference recommends...:

acknowledging the Employee Food Safety Training Committee report and thanking the committee members for their efforts.

The Conference further recommends re-creating the Employee Food Safety Training Committee to continue the work initiated during the 2014-2016 biennium and to complete the original charges from Issue 2014-II-011; specific committee charges for the 2016-2018 biennium are to:

1. Identify what a food employee should know about food safety, prioritized by risk.
2. Develop a guidance document to include recommendations for appropriate operator, regulator, and/or third-party food safety training program(s); including the criteria for the program and learning objectives.

3. Report Committee findings and recommendations to the 2018 Conference for Food Protection Biennial Meeting.

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Content Documents:

- "Employee Food Safety Training committee report"

Supporting Attachments:

- "CFP-employee-training-committte-1-8-15"
- "Literature on evaluating food handler training programs:"
- "FDA Risk Factor Study 1998, 2003 and 2008 comparison"
- "Employee Food Safety Training Committee Meeting Minutes"
- "CFP Food Employee Training Committee Training Component Draft"
- "Employee Food Safety Training Topics"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-002

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

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Issue History:

This is a brand new Issue.

Title:

Report- Demonstration of Knowledge (DoK) Committee

Issue you would like the Conference to consider:

The Conference for Food Protection (CFP) Demonstration of Knowledge Committee seeks Council II's acknowledgment of the committee's final report.

Public Health Significance:

Demonstration of knowledge is identified as one of the five key public health interventions to protect consumer health. The designated person in charge who is knowledgeable about foodborne disease prevention, Hazard Analysis and Critical Control Point (HACCP) principles, and Code requirements is prepared to recognize conditions that may contribute to foodborne illness or that otherwise fail to comply with Code requirements, and to take appropriate preventive and corrective actions. A dialogue with the person in charge during the inspection process will also reveal whether or not that person is enabled by a clear understanding of the Code and its public health principles to follow sound food safety practices and to produce foods that are safe, wholesome, unadulterated, and accurately represented.

Recommended Solution: The Conference recommends...:

1. Acknowledgement of the 2014-2016 Demonstration of Knowledge (DoK) Committee Report and attachments, and
2. Acknowledgement of the committee members for their participation on the conference calls, surveys and work completed.

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Content Documents:

- "2014-2016 DoK Committee Final Report"
- "Attachment I 2014-2016 DoK Roster"
- "Attachment II 2014-2016 DoK Meeting Record"
- "Attachment III 2014-2016 DoK Pro Con Table 2-102.11 Template"
- "Attachment IV 2014-2016 DoK Pro Con Listing 2013 Food Code 2-102.11 (A)"
- "Attachment V 2014-2016 DoK Pro Con Listing 2013 Food Code 2-102.11 (C)"
- "Attachment VI 2014-2016 DoK Alternative Methods of Demonstrating Knowledge"
- "Attachment VII 2014-2016 DoK Final Survey Results"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-003

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

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Issue History:

This is a brand new Issue.

Title:

Re-create - Demonstration of Knowledge (DoK) Committee

Issue you would like the Conference to consider:

The Conference for Food Protection (CFP) Demonstration of Knowledge Committee (DoK) requests that the committee be re-created to continue evaluation of the methods of demonstrating knowledge found in the 2013 FDA Food Code Section 2-102.11.

Public Health Significance:

Demonstration of knowledge is identified as one of the five key public health interventions to protect consumer health. The designated person in charge who is knowledgeable about foodborne disease prevention, Hazard Analysis and Critical Control Point (HACCP) principles, and Code requirements is prepared to recognize conditions that may contribute to foodborne illness or that otherwise fail to comply with Code requirements, and to take appropriate preventive and corrective actions. A dialogue with the person in charge during the inspection process will also reveal whether or not that person is enabled by a clear understanding of the Code and its public health principles to follow sound food safety practices and to produce foods that are safe, wholesome, unadulterated, and accurately represented.

Recommended Solution: The Conference recommends...:

the Demonstration of Knowledge (DoK) Committee be re-created following the 2016 CFP Biennial Meeting to continue work originally assigned in Issue 2014-II-016 with the following charges:

1. Identify and evaluate the pros and cons of *Alternative Methods to Demonstrating Knowledge*, a document created by the 2014-2016 DoK Committee (Attachment VI to the DoK Committee Report). Although not limited to the following areas, the committee will assess the pros and cons of each alternative method in light of the following areas:
   a) Differentiation between knowledge and application

b) Emphasis on risk factors
c) Ease of uniform assessment by regulators and industry
d) Enabling the Person in Charge to demonstrate knowledge even when there is a language barrier
e) What corrective action should be taken when there is not a demonstration of knowledge from the Person in Charge

2. Recommend alternative methods of demonstrating knowledge as new or amended Food Code language.
3. Report back committee outcomes and recommendations to the 2018 CFP Biennial Meeting.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-004

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

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Issue History:

This issue was submitted for consideration at a previous biennial meeting, see issue: 2014-I-032; new or additional information has been included or attached and the recommended solution has been revised.

Title:

Imminent Health Hazard: Modify Enforcement & PIC Duties

Issue you would like the Conference to consider:

Modify both the enforcement action and the duties of the Person in Charge in the FDA Food Code relative to "Imminent Health Hazard" so that a facility 1) with a written emergency operating plan that is preapproved by the regulatory authority; and that 2) takes immediate corrective action to eliminate, prevent or control a risk or hazard in accordance with that written and preapproved emergency operating plan; and that 3) informs the regulatory authority of the risk or hazard having occurred and the written preapproved emergency operating plan having been implemented should not have to cease operations.

Public Health Significance:

As stated in CFP's 2014 Emergency Action Plan for Retail Food Establishments, "All retail food establishments are vulnerable to a potential emergency or disaster that could impact the safety of the food and products they sell or serve to consumers. Yet, in times of crises, these facilities can also serve the community and provide valuable resources." During crisis, industry and public health are partners with a common purpose; to restore normalcy to the community quickly while protecting the public health in the process. Industry is the expert at feeding people, not emergency management agencies. The sooner food establishments can get operating; the sooner communities can return to normal. Pre-approval of emergency operating plans enables facilities to remain in operation and the regulatory authority to deploy their limited resources more efficiently, starting with establishments that don't have emergency operating plans, because delays in re-opening hurt all stakeholders; customers, employees and first responders.

The proposed language for Food Code Section 2-103.11(P) is modeled after language in the State of Georgia Rules & Regulations Governing Food Service, 511-6-1 effective November 1, 2015, found in a supporting attachment accompanying this Issue.

In the following link, "Emergency Action Plan for Retail Food Establishments", CFP 2014, note in particular Localized Emergency or Event #s 2, 3 & 4 located on pages 4-5. Also note planning for Response to an Emergency paragraphs 1, 2 & 3 located on page 7. Also see chart I on page 17; Procedures for Handling Refrigerated TCS Foods during a Power Outage.

http://www.foodprotect.org/media/guide/Emergency%20Action%20Plan%20for%20Retail%20food%20Est.pdf

In the following link, "Lessons Learned: Food Safety Preparedness before the Next Natural Disaster" in Food Safety Magazine, August/September 2014, note in particular, authors Kalis & Blake (CDC), Hatch (AL DPH) & Corby (AFDO) on the value of preapproved emergency operating plans. Kalis & Blake add that in a crisis, food service providers with preapproved emergency operating plans become part of the infrastructure that protects public health.

http://www.foodsafetymagazine.com/magazine-archive1/augustseptember-2014/lessons-learned-food-safety-preparedness-before-the-nest-natural-disaster/

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that the 2013 Food Code be amended by adding new paragraphs to Sections 8-404.11 and 2-103.11 as follows (underline format used for new language):

Section 8-404.11. Ceasing Operations and Reporting.

(A) Except as specified in ¶ (B) and (C) of this section, a PERMIT HOLDER shall immediately discontinue operations and notify the REGULATORY AUTHORITY if an IMMINENT HEALTH HAZARD may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, SEWAGE backup, misuse of POISONOUS OR TOXIC MATERIALS, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.

(B) A PERMIT HOLDER need not discontinue operations in an area of an establishment that is unaffected by the IMMINENT HEALTH HAZARD.

(C) A PERMIT HOLDER need not discontinue operations if the facility has experienced an interruption of water service or an extended interruption of electrical service for two or more hours so long as the facility has a specific written emergency operating plan that has been preapproved by the regulatory authority and if the Person in Charge takes immediate corrective action to eliminate, prevent or control the risk or hazard in accordance with the specific written preapproved emergency operating plan and if the Person in Charge informs the regulatory authority of the specific risk or hazard having occurred and of the specific written preapproved emergency operating plan having been implemented. [Pf]

Section 2-103.11. Person in Charge

The Person in Charge shall ensure that:

(P) Imminent Health Hazard. If an imminent health hazard exists because of an emergency such as a fire, flood, interruption of electrical or water service for two or more hours, sewage malfunction, misuse of poisonous or toxic materials, onset of an apparent

foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may endanger public health, then operations are immediately discontinued and the Health Authority is notified.[P] If, however, the Imminent Health Hazard consists of an interruption of water service or an extended interruption of electrical service for two or more hours, the establishment may continue to operate under a specific written emergency operation plan that has been preapproved by the Health Authority prior to the occurrence of the specific emergency event provided the Person in Charge notifies the Health Authority that the specific emergency event has occurred and the preapproved specific written emergency operation plan is being implemented. [Pf]

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Supporting Attachments:

- "Rules & Regulations Governing Food Service for the State of Georgia"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-005

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

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Issue History:

This is a brand new Issue.

Title:

Demonstration of Knowledge regarding Food Allergen Labeling

Issue you would like the Conference to consider:

Adding an amendment to the 2013 FDA Food Code section 2-102.11(C)(9) to include describing proper food allergen labeling for products, when applicable, produced by the venue.

Public Health Significance:

Pre-packaged products from bakeries, delis, restaurants, and other venues often are not labeled with allergens that they contain (a violation of the Food Code section 3-602.11(B)(5)), nor the potential allergens that may have been in contact with the products. This poses a serious risk to allergic consumers who may experience anaphylaxis as a result of exposure to the allergens.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that Subparagraph 2-102.11(C)(9) of the 2013 Food Code be amended as follows (new language is underlined):

2-102.11 Demonstration.

(C) Responding correctly to the inspector's questions as they relate to the specific FOOD operation. The areas of knowledge include:

(9) Describing FOODS identified as MAJOR FOOD ALLERGENS and the symptoms that a MAJOR FOOD ALLERGEN could cause in a sensitive individual who has an allergic reaction. <u>Describe proper food allergen labeling for pre-packaged products produced by the establishment.</u>[Pf]

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-006

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

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Issue History:

This is a brand new Issue.

Title:

Report – Program Standards Committee (PSC)

Issue you would like the Conference to consider:

The Conference for Food Protection (CFP) Program Standards Committee seeks Council II's acknowledgment of the committee's final report.

Public Health Significance:

The Voluntary National Retail Food Regulatory Program Standards (Retail 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 with the public health outcome of reducing foodborne illness risk factors. The Program Standards Committee is a standing committee reporting to the CFP Executive Board. The Committee provides ongoing input to the FDA on issues that arise with the Retail Program Standards. The Committee serves the Conference by indirectly assisting Retail Program Standards enrollees in making progress towards meeting the Retail Program Standards. The Committee continues to work with the FDA internal Program Standards working group and the FDA Clearinghouse Workgroup to clarify and address issues that arise with the Retail Program Standards.

Recommended Solution: The Conference recommends...:

1. Acknowledgment of the 2014 - 2016 Program Standards Committee Final Report, and
2. Thanking the Committee members for their work and dedication during the 2014 - 2016 biennium.

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Content Documents:

- "2014-2016 Program Standards Committee Final Report"
- "2014-2016 CFP Program Standards Committee Membership Roster"
- "Retail Program Standards - Competency of Inspectors Infographic"

Supporting Attachments:

- "Verification Audit Survey Tool"
- "Industry Support for Standards 2, 4 and 7 Survey Tool"
- "Verification Audit Survey Results"
- "Industry Support for Standards 2, 4 and 7 Survey Results (FMI Summary)"
- "Industry Support for Standards 2, 4 and 7 Survey Results (NRA Summary)"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-007

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

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Issue History:

This is a brand new Issue.

Title:

PSC 2 - Recommendations from Issue 2014 II-003

Issue you would like the Conference to consider:

The Program Standards Committee has completed the charges outlined in Issue 2014 II-003 related to Retail Program Standards 2, 4 and 7. The Committee has proposed recommendations to be sent to the FDA.

Public Health Significance:

The Retail Program Standards offer a systematic approach to, through a continuous improvement process, enhance retail food regulatory programs. They define and provide a framework designed to accommodate both traditional and emerging approaches of a regulatory food safety system. To address Issue 2014 II-003 (*Charge 2: To solicit the support of industry to examine methods to support regulatory efforts to achieve Standard 2, Standard 4, and Standard 7 of the Voluntary National Retail Food Regulatory Program Standards*), a subcommittee interviewed regulatory agencies enrolled in the Retail Program Standards, mostly those who had achieved Standards 2, 4, and 7 and who conduct direct inspections, to examine and provide methods to support regulatory efforts to achieve Standard 2, Standard 4, and Standard 7.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that they:

1. Develop a Voluntary National Retail Food Regulatory Program Standards (Retail Program Standards) guide or template to help regulatory agencies to enroll in the Retail Program Standards, realize what they are getting involved in prior to enrollment, provide recommendations about where an enrollee should begin, and provide a roadmap to allow management to plan for proper staffing and resources to actually complete and sustain the activities associated with the Retail Program Standards;

2. Reward achievement of the Retail Program Standards by giving extra credit during the application review and scoring process for FDA grants;
3. Establish additional formal networks to complement the existing NACCHO Program Standards Mentorship Program (e.g., workgroups in each state or by FDA region with routinely scheduled webinars, conference calls, etc.) to assist regulatory agencies in their efforts with the Retail Program Standards;
4. Seek the expansion of existing forums (e.g., NACCHO sharing sessions, NEHA AEC Retail Program Standards Workshop, and cooperative agreements with NACCHO and AFDO, etc.) for enrollees to share their success stories with the Retail Program Standards;
5. Engage in a promotion of the FoodSHIELD Program Standards Resource Center when it goes live; and
6. Provide a means to ensure that each of the FDA Regional Retail Food Specialists has a minimum level of knowledge regarding implementation of the Retail Program Standards.

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2016 Issue Form

Issue: 2016 II-008

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Issue History:

This is a brand new Issue.

Title:

PSC 4 - Posting of Retail Program Standards Infographic on CFP Website

Issue you would like the Conference to consider:

The Program Standards Committee has completed the charges outlined in Issue 2014 II-003 related to Voluntary National Retail Food Regulatory Program Standards (Retail Program Standards) 2, 4 and 7. The committee has identified the benefits to industry for regulatory authorities to achieve Standard 2, Standard 4, and Standard 7. The committee developed an infographic poster that may serve as a resource for industry and other stakeholders to share those benefits.

Public Health Significance:

The 2011 Food Safety Modernization Act (FSMA) requires the FDA to partner with state and local food safety regulatory agencies to build a national Integrated Food Safety System (IFSS). The goal of a national IFSS is to develop a seamless partnership and operation of federal, state, and local food safety regulatory agencies to meet the public health mission of achieving a safer food supply. The benefits of having a regulatory authority meeting the Retail Program Standards contributes to an IFSS by improving the confidence in the food safety work being conducted by other agencies, focusing efforts on the reduction of risk factors known to contribute to foodborne illness, and encouraging retail food establishments to implement active managerial control over these risk factors.

Along with being a foundation and system upon which all retail food regulatory programs can build through a continuous improvement process, the Retail Program Standards provide a model of what a quality program should encompass. Standard 2 provides the essential elements of a training program for regulatory staff. Standard 4 pertains to implementing an on-going quality assurance program that evaluates inspection uniformity to ensure inspection quality, inspection frequency and consistency among the regulatory staff. Standard 7 concerns enhancing two-way communication with industry and consumers through forums designed to solicit input to improve the food safety program.

The Retail Program Standards Competency of Inspectors Infographic can be used by both industry, regulators, and other stakeholders to relate the benefits to industry for regulatory authorities to achieve Standards 2, 4 and 7 of the Retail Program Standards.

Recommended Solution: The Conference recommends...:

that the Retail Program Standards Competency of Inspectors Infographic be posted to the CFP website in PDF format as a Conference-developed guidance document.

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Content Documents:

- "Retail Program Standards - Competency of Inspectors Infographic"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-009

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

PSC 3 - Recommendations from Issue 2014 II-005

Issue you would like the Conference to consider:

The Program Standards Committee has completed charge 3 of Issue 2014 II-005 to conduct an evaluation of the current verification audit requirement of the Voluntary National Retail Food Regulatory Program Standards (Retail Program Standards). The Committee has proposed recommendations to be sent to the FDA.

Public Health Significance:

The Program Standards Committee is a standing committee reporting to the CFP Executive Board. The Committee provides ongoing input to the FDA on issues that arise with the Retail Program Standards. The Committee serves the Conference by indirectly assisting Retail Program Standards enrollees in making progress towards meeting the Standards. Issue 2014 II-005 included the charge to *Review the current verification audit requirement and: (a) Identify strengths of the current verification audit requirement; (b) Identify weaknesses of the current verification audit requirement, with emphasis on any barriers that may result from the current requirement; and (c) Determine whether there are potential changes to the requirement, or the administration of the requirement, that could maintain the credibility of the Retail Program Standards while reducing barriers to achievement that may result from the current verification audit requirement.* To address the charge, a subcommittee developed and distributed a survey questionnaire (*see Verification Audit Survey Tool*) to the jurisdictions currently enrolled in the Retail Program Standards to gather information about verification audits.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that they:

1. Work on removing the barriers identified related to conducting a Voluntary National Retail Food Regulatory Program Standard verification audit by: (1) providing auditor training; (2) creating a mentorship program for auditors; (3) including information on

the online Listing of Enrolled Jurisdictions document indicating which enrollees are willing to serve as verification auditors for other enrollees; and (4) continuing to work to simplify the forms and procedures for the Retail Program Standards in an effort to reduce the amount of time required to complete the required documentation;

2. Expand funding opportunities to help support and sustain the Retail Program Standards-related activities of enrollees; and
3. Better publicize and promote the work that is being done by the FDA Clearinghouse Workgroup as an important resource for Retail Program Standards enrollees.

The Conference also recommends the continuation of charges 1, 2 and 4 from Issue 2014 II-005 to the 2016 - 2018 Program Standards Committee. Those charges are:

1. Identify areas where the Voluntary National Retail Food Regulatory Program Standards can be changed or improved to enhance enrollment and implementation; and

2. Work on a project to recognize levels of performance of Program Standards enrollees that will demonstrate the progress of enrollees in a meaningful way and acknowledging the enrollees for taking the necessary incremental steps toward meeting the Program Standards. As part of this project:

a. Provide a Cost/Benefit Analysis for recognizing partial achievement of the Retail Program Standards;

b. Identify different approaches that could be used to recognize partial achievement of the Retail Program Standards that would not require additional resources to perform or administer; and

c. Examine whether there is an additional burden placed on enrollees or FDA (in time, money, or added complexity of the Standards) associated with development of a system to ensure that jurisdictions are uniformly recognized for partial achievement of the Standards.

3. Serve as a sounding board for FDA with respect to ideas generated during collaboration with the other entities such as the National Association of County and City Health Officials (NACCHO), Partnership for Food Protection (PFP) and Association of Food and Drug Officials (AFDO).

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2016 Issue Form

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Issue History:

This is a brand new Issue.

Title:

PSC 5 - Amend Retail Program Standard 7

Issue you would like the Conference to consider:

Amend Standard 7 of the Voluntary National Retail Food Regulatory Program Standards (Retail Program Standards) to allow electronic mechanisms, such as social media and web-based meetings for forums, to be used as a method to satisfy the requirement for two-way interaction between regulatory authorities and industry/community stakeholders.

Public Health Significance:

Several jurisdictions have asked whether the use of social media sites such as twitter, blogs or food program websites with surveys or feedback buttons would meet the Retail Program Standard No. 7 requirements. In its current form, Standard 7 (written in 1997 before the modern internet) requires an annual 'meeting' with stakeholders with the intent to facilitate program feedback from industry and consumers in the community. The stated intent is to foster communication exchange between regulatory, industry and consumers. Web-based forums for communication have expanded since the late 90's and can provide an effective mechanism for feedback to the retail food regulatory program. These web-based forums offer two-way communication with not only the food industry but also for consumers, who have traditionally been difficult to include in formal, face-to-face meetings in a meaningful way.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA recommending the following changes to Standard 7 of the Voluntary National Retail Food Regulatory Program Standards (new language is underlined; language to be deleted is in strikethrough format):

Standard 7

Industry and Community Relations

This standard applies to industry and community outreach activities ~~utilized~~ used by a retail food regulatory program to solicit a broad spectrum of input ~~into a comprehensive regulatory food program~~ about a retail food regulatory program's previous, current, and future activities, communicate sound public health food safety principles, and foster and recognize community initiatives focused on the reduction of foodborne ~~disease~~ illness risk factors.

Requirement Summary

The jurisdiction documents participation in forums that foster communication and information exchange among the regulators, industry and consumer representatives.

The jurisdiction documents outreach activities that provide educational information on food safety.

Description of Requirement

1. Industry and Consumer Interaction

The jurisdiction sponsors or actively participates in ~~meetings~~ forums with two-way communication such as food safety task force~~s~~ meetings, advisory boards, ~~or~~ advisory committees, customer surveys, web-based meetings or forums, or other mechanisms. These forums shall present information on food safety, food safety strategies and interventions to control risk factors. Offers of participation must be extended to industry and consumer representatives.

2. Educational Outreach

Outreach encompasses industry and consumer groups as well as media and elected officials. Outreach efforts may include industry recognition programs, websites, newsletters, Fight BAC™® campaigns, food safety month activities, food worker training, school-based activities, ~~customer surveys~~ use of oral culture learner materials, or other activities that increase awareness of the foodborne illness risk factors and control methods to prevent foodborne illness. Outreach activities may also include posting inspection information on a website or in the press.

Agency participation in at least one activity in each of the above categories annually is sufficient to meet this standard.

Outcome

The desired outcome of this standard is enhanced communication with industry and consumers through forums designed to solicit input to improve the retail food ~~safety~~ regulatory program. A further outcome is the reduction of foodborne illness risk factors through educational outreach and cooperative efforts with stakeholders.

Documentation

The ~~Q~~quality records needed for this standard ~~reflect activities over the most recent five-year period and~~ include:

1. Minutes, agendas or other records documenting that forums were conducted,
2. For formal, recurring meetings, documents such ~~documents~~ as by-laws, charters, membership criteria and lists, frequency of meetings, roles, etc.,
3. Surveys, web feedback links with associated follow-up materials and review documents,

4. Documentation of ~~performed actions or~~ activities designed with input from industry and consumers to improve the control of foodborne illness risk factors, or
5. Documentation of food safety educational efforts.

Statements of policies and procedures may suffice if activities are continuous, and documenting multiple incidents would be cumbersome~~, (~~e.g., recognition provided to establishments with exemplary records or an on-going website).

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Issue: 2016 II-011

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

Amend VNRFRPS – Standard 4 – Uniform Inspection Program (Part 1)

Issue you would like the Conference to consider:

Amend Voluntary National Retail Food Regulatory Program Standard (VNRFRPS) No. 4 to reflect recommendations from the 2012 CFP Uniform Inspection Program Audit Pilot Project Report.

The Pilot Project Report is available with this Issue as a supporting attachment; it is also currently posted on the CFP website at: http://www.foodprotect.org/media/guide/uniform-inspection-program-audit-pilot-project-report.pdf

Public Health Significance:

The 2012 CFP Uniform Inspection Audit Pilot Project Report evaluated the Uniform Inspection Program process and audit worksheet as tools for conducting the quality assurance evaluations in Program Standard No. 4.

Implementing the following changes will address some of the recommendations provided in the Pilot Project Report, while also providing greater flexibility, improved program quality assessment, and greater consistency between Program Standard No. 2 and No. 4:

1. More closely align the ten Program Elements described in Program Standard No. 4 with the Performance Elements and Competencies contained in the Standard No. 2 - CFP Field Training Plan for new hires or staff newly assigned to the retail food protection program.
2. Provide a re-ordered listing of the Program Elements in Program Standard No. 4 to reflect the organized flow of the inspection process.
3. Increase the minimum number of required field assessments (joint inspections) to maintain consistency with the current statistical model upon which Standard 4 is based; this calculation is shown in "Attachment C - Update: Explanation of the Statistical Model for Program Standard No. 4."

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that the Voluntary National Retail Food Regulatory Program Standards (VNRFRPS), Program Standard No. 4 - Uniform Inspection Program, be amended to reflect the changes shown in "Attachment A - Proposed Amendments to Program Standard No. 4 - Uniform Inspection Program" (language to be added is underlined; language to be deleted is in strikethrough format).

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Content Documents:

- "Attachment A- Program Standard No. 4 - Uniform Inspection Program"

Supporting Attachments:

- "Attachment B-Explanation of the Statistical Model for Program Standard No.4"
- "Attachment C-Updated Explanation of the Statistical Model for Prog. Std. 4"
- "Attachment D- Uniform Inspection Program - Audit Pilot Project Report"

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Issue: 2016 II-012

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

Amend VNRFRPS – Standard 4 – Uniform Inspection Program (Part 2)

Issue you would like the Conference to consider:

Amend the FDA Voluntary National Retail Food Regulatory Program Standards (VNRFRPS) No. 4 - Uniform Inspection Program to reflect recommendations from the 2012 CFP Uniform Inspection Program Audit Pilot Project Report.

The Pilot Project Report is attached to the "Part 1" Issue on this topic; Issue titled: Amend VNRFRPS - Standard 4 - Uniform Inspection Program (Part 1)

The report is also currently posted on the CFP website at: http://www.foodprotect.org/media/guide/uniform-inspection-program-audit-pilot-project-report.pdf

Public Health Significance:

The 2012 CFP Uniform Inspection Audit Pilot Project Report evaluated the Uniform Inspection Program process and audit worksheet as tools for conducting the quality assurance evaluations in Program Standard No. 4.

Implementing the following changes will address some of the recommendations provided in the Pilot Project Report, while also providing greater flexibility, improved program quality assessment, and greater consistency between Program Standards No. 2 and No. 4:

1. Clarify that jurisdictions may assess additional performance elements as part of their field assessment process. However, for the purposes of achieving conformance with the Standard, only the performance elements specified in the Standard will be used to assess conformance with the Standard.
2. Clarify that the assessment of the performance elements is not an all-or-nothing approach. (For instance, someone that misses one risk factor out of 10 risk factors during a field assessment may still achieve an acceptable level of performance/uniformity on a particular performance element.)

3. Clarify that enrolled jurisdictions may wish to create a field assessment tool that includes specific comments and feedback for the individual food safety inspection officer.
4. Clarify how establishments should be selected for the field assessment process.
5. Provide specific guidance about the file review process.
6. Clarify who should conduct the field assessment and associated file review.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that the Voluntary National Retail Food Regulatory Program Standards (VNRFRPS), Program Standard No. 4 - Self-Assessment Instructions and Worksheet, be amended to reflect the changes shown in "Attachment A - Instructions and Worksheet for Conducting a Self-Assessment" (language to be added is underlined; language to be deleted is in strikethrough format).

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Content Documents:

- "Attachment A-Proposed Amendments for PS No.4-SelfAssessmentInstr.Worksheet"

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2016 Issue Form

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Issue History:

This is a brand new Issue.

Title:

Amend FDA VNRFRPS Standard 9 – Program Assessment

Issue you would like the Conference to consider:

Amend Voluntary National Retail Food Regulatory Program Standards (VNRFRPS) Standard No. 9 to adjust the required facility types for a Risk Factor Study, such that nine separate facility type assessments would no longer be a requirement. This would be consistent with FDA's approach to the current Risk Factor Study which no longer includes nine separate facility types.

Public Health Significance:

In order to achieve conformance with Program Standard No. 9, a jurisdiction must collect risk factor data every 60 months, write a report and analyze the data, and implement an intervention strategy based on the data collected in the risk factor study. Jurisdictions may collect risk factor data through a risk factor study, or through routine inspectional data. However, jurisdictions must collect data for each facility type identified in Program Standard No. 9, if the facility type is regulated by the jurisdiction. Program Standard No. 9 currently identifies nine (9) specific facility types:

- Institutions
    - Hospitals;
    - Nursing Homes;
    - Elementary Schools (kindergarten through grade 5)
- Restaurants
    - Full Service
    - Fast Food
- Retail Food Stores
    - Delis;

- Meat Departments;
- Seafood Departments;
- Produce Departments

After the completion of FDA's third Risk Factor Study and subsequent Trend Analysis Report, FDA embarked on a revised Risk Factor Study design that incorporates lessons learned from the first ten year study. One substantial modification to the current risk factor study design involves the facility types chosen for the data collection. Rather than collect data for each of the nine facility types, FDA modified its approach by adjusting the facility types within certain facility categories used for data collection. This new design allows for greater flexibility to collect meaningful data and identify trends.

FDA would like enrolled jurisdictions to use this new model, including the changes to the facility type categories, and have the changes incorporated into Program Standard No. 9 as described below. Jurisdictions would continue to be required to collect and analyze data from all facility categories under their regulation, but would incorporate the following new options;

1. Rather than specify the nine (9) facility types that must be included, Program Standard No. 9 would specify four (4) broad facility categories:
   (1) Health Care;
   (2) Schools (kindergarten through grade 12);
   (3) Restaurants;
   (4) Retail Food Stores.
2. In order to meet Standard 9, jurisdictions would be required to collect and analyze data for each facility category under regulation.
3. Jurisdictions would have flexibility to evaluate patterns and subcategories within each facility category. For instance, a jurisdiction could separate the restaurant category into the traditional 'full service' and 'fast food' type operations, or all restaurants could be evaluated together.

The proposed changes will provide greater efficiency and flexibility, and enable a risk-based approach when measuring the success of a program to reduce the occurrence of foodborne illness risk factors.

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA requesting that the Voluntary National Retail Food Regulatory Program Standards (VNRFRPS), Standard Number 9 - Program Assessment, be amended to reflect the changes shown in *"Attachment A - Proposed Amendments to Program Standard No. 9 - Program Assessment."*

Those areas of the Standard with proposed changes are noted below (underline indicates language to be added; strikethrough format used to indicate language to be deleted)

STANDARD 9

PROGRAM ASSESSMENT

This Standard applies to the process used to measure the success of a jurisdiction's program in reducing the occurrence of foodborne illness risk factors to enhance food safety and public health in the community.

Requirement Summary

Program management must ensure that:

1. A risk factor study on the occurrence of the five foodborne illness risk factors is conducted and repeated at least once every 60 months to measure trends in the occurrence of the risk factors;

2. An analysis is made of the data collected and a report on the outcomes and conclusions of the risk factor study is written; and

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

Description of Requirement

To achieve the criteria of Standard 9, a jurisdiction must ensure that:

A. A risk factor study and report on the occurrence of the five (5) foodborne illness risk factors must be completed. A risk factor study serves two purposes:

1. To identify risk factors most in need of priority attention in order to develop strategies to reduce their occurrence.
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.

B. The risk factor study includes all facility ~~types~~ categories under regulation by the jurisdiction.

It is recommended that a jurisdiction's first risk factor study be conducted as soon as possible following its first self-assessment, before programmatic changes are made. There is value in using the first study to establish a "baseline" against which future performance can be measured. Program improvements and changes may then be reflected in subsequent studies.

C. The risk factor study information is to be updated at least once every 60 months to measure trends specific to the occurrence of the five (5) foodborne illness risk factors.

The data collection and analysis ~~for the various facility types under regulation by the jurisdiction~~ may occur at various times over the 60-month period, as long as all facility ~~types~~ categories under regulation are included in the 60-month cycle. The 60-month study update is required to maintain achievement of Standard 9. The subsequent studies and reports will ~~determine whether or not~~ indicate if there has been a net change in the occurrence of the risk factors.

The ~~nine (9)~~ four (4) facility categories ~~types~~ are:

- ~~Institutions~~
    - ~~Hospitals;~~

- ~~Nursing Homes;~~
- ~~Elementary Schools (K-5)~~

- ~~Restaurants~~
  - ~~Full Service~~
  - ~~Fast Food~~
- ~~Retail Food Stores~~
  - ~~Delis;~~
  - ~~Meat Departments;~~
  - ~~Seafood Departments;~~
  - ~~Produce Departments~~

1. Health Care;
2. Schools (K-12);
3. Restaurants;
4. Retail Food Stores.

D. A jurisdiction may use routine inspection data or may conduct a separate data collection in completing a risk factor study. A data collection instrument similar to the FDA Model Data Collection Form using the IN, OUT, NA, and NO convention, is required.

Failure to use this convention skews the data toward either IN compliance or OUT of compliance. The FDA data collection instrument is not intended as an inspection form. However, jurisdictions that have developed an inspection form using the IN, OUT, NA and NO convention may use that inspection form as a survey instrument.

If the jurisdiction uses a different form, the data may be difficult to compare with the data from the *FDA National Foodborne Illness Risk Factor Studies* or with data from other jurisdictions.

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 is implemented and the effectiveness is evaluated by subsequent Risk Factor Studies 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.

Outcome

The desired outcome of this Standard is to enable managers to measure their program against national criteria and to demonstrate improvement in food safety. The process identifies program elements that may require improvement or be deserving of recognition.

Documentation

The quality records required for this standard include:

1. Survey reports on the occurrence of risk factors and *FDA Food Code* interventions,

2. Survey collection tools or inspection sheets used for the data collection,
3. Documentation that each facility category ~~type under~~ regulation~~ed~~ is surveyed during the 60-month survey cycle,
4. Documentation of performed interventions, actions or activities designed to improve the control of risk factors,
5. Documentation that the effectiveness of performed interventions is evaluated.

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Content Documents:

- "Attachment A-Proposed Amendments to Program Standard No. 9 - Program Assess"

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Issue History:

This is a brand new Issue.

Title:

Report - Certification of Food Safety Regulation Professionals (CFSRP)

Issue you would like the Conference to consider:

The 2014-2016 CFSRP Workgroup seeks Council's acknowledgement of its final report.

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 Voluntary National Retail Food Regulatory Program Standards, 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:

1. Maintain and update this national training model;

2. Explore additional training and/or assessment needs for regulatory retail food programs; and

3. Build consensus among all retail food safety stakeholders.

Recommended Solution: The Conference recommends...:

1. Acknowledgment of the 2014-2016 Certification of Food Safety Regulation Professionals (CFSRP) final report, and
2. Extending thanks to all the 2014-2016 CFSRP members for their work and dedication and to those organizations/agencies that they represent for supporting the Conference for Food Protection process.

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Content Documents:

- "Certification of Food Safety Regulation Professionals (CFSRP) Roster"
- "Final Report - Certification of Food Safety Regulation Professionals"

Supporting Attachments:

- "CFSRP Conference Call Minutes"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-015

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

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Issue History:

This is a brand new Issue.

Title:

CFSRP 2– Reassign Charges to the Program Standards Committee

Issue you would like the Conference to consider:

The CFSRP Workgroup recommends that it be dissolved as a standalone workgroup and that future issues dealing with the certification of food safety regulation professionals be assigned to the Program Standards Committee in order to ensure a consistent and uniform approach to addressing the Voluntary National Retail Food Regulatory Program Standards (VNRFRPS).

Public Health Significance:

The management of issues relating to the certification of food safety regulation professionals by the Program Standards Committee will eliminate any potential confusion among CFP stakeholders concerning the entity that is responsible for addressing issues related to the VNRFRPS and will also eliminate the potential for redundancy of work related to the VNRFRPS.

Recommended Solution: The Conference recommends...:

that the Certification of Food Safety Regulation Professionals (CFSRP) Workgroup be dissolved as a standalone workgroup, and that the remaining subcharges from Issue 2014 II-002, Charge 1 be reassigned to the 2016 - 2018 Program Standards Committee as follows:

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

1. 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.

2. Review the results of the partnership for food protection training and certification work group recommendations for the nationally recognized Retail Food Curriculum based on the Retail Food Job Task Analysis (JTA) to determine if changes are needed in the Standard 2 curriculum. Identify any gaps and recommendations for change and review the time frame for completion of Standard 2 Steps 1 through 4 for new hires or staff newly assigned to the regulatory retail food protection program.

3. Continue to assess if any changes will be needed in Standard 2-Trained Regulatory Staff based on the current standard for review referenced in (1) above to provide better alignment with Standard 4 of the VNRFRPS.

4. Report back their findings and recommendations to the 2018 Biennial Meeting of the Conference for Food Protection.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-016

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

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Issue History:

This is a brand new Issue.

Title:

Report: Interdisciplinary Foodborne Illness Training Committee (IFITC)

Issue you would like the Conference to consider:

The 2014-2016 Interdisciplinary Foodborne Illness Training Committee (IFITC) seeks the Council's acknowledgement of its report.

Public Health Significance:

The Interdisciplinary Foodborne Illness Training Committee has been tasked with:

1. Use the Crosswalk submitted in the 2012-2014 Committee report to identify current gaps in the training for Program Standard #5 as established by Council to Improve Foodborne Outbreak Response (CIFOR) and the Partnership for Food Protection as best practices for foodborne illness investigation.
2. Identify new training programs as they relate to the Crosswalk and Standard 5.
3. Work within the Conference process to post the Crosswalk document from the 2012-2014 Committee to the CFP Website.
4. Report back to the 2016 biennial meeting a revised Crosswalk document for foodborne illness investigation.

The Committee believes that it has completed the assigned charges set by the Conference.

It is our belief that the need for foodborne illness training is important, and given that different jurisdictions do not use a consistent approach to foodborne illness investigations, the gathering and sharing of this information will make it possible for health agencies, universities, industry and other non-governmental organizations to determine if the training materials they are using matches the requirements of Standard 5.

The Committee does believe that improved training opportunities should increase awareness as well as promote the importance of Foodborne Illness Investigations.

Recommended Solution: The Conference recommends...:

1. Acknowledgement of the report of the Interdisciplinary Foodborne Illness Training Committee.

2. Thanking the Committee members for their work and dedication for completing the charges.

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Content Documents:

- "Report: Interdisciplinary Foodborne Illness Training Committee (IFITC)"
- "Crosswalk - Requirements For Foodborne Illness Training Programs"
- "CFP Committee Roster Interdisciplinary FBI Training Committee 11302015"

Supporting Attachments:

- "Minutes - 2016 Interdisciplinary Foodborne Illness Training Committee"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-017

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

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Issue History:

This is a brand new Issue.

Title:

IFITC 2 – Approval and Posting of the Crosswalk

Issue you would like the Conference to consider:

That the Conference considers that new and updated foodborne disease outbreak training programs will continue to occur and that all target agencies could benefit from a process that updates the list of training program and reviews the programs. Posting the Crosswalk will provide a tool that will facilitate the development of robust foodborne illness training programs.

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 public health professionals, health agencies, universities and industry in outbreak response can mitigate the negative impact of any outbreak. However, these entities may not be aware of the foodborne disease outbreak trainings that are currently in existence.

The Interdisciplinary Foodborne Illness Training Committee believes that these opportunities provide the chance for the Conference for Food Protection to continue to influence the food and beverage community, health agencies, universities, in the minimum, to review their Foodborne Illness Training to determine if their program is complete as outlined in Standard 5. The Interdisciplinary Foodborne Illness Training Committee created a Crosswalk titled Crosswalk - Requirements for Foodborne Illness Training Programs Based on Standard 5 that we recommend is posted to the CFP website.

Recommended Solution: The Conference recommends...:

1) approving the document titled *"Crosswalk - Requirements for Foodborne Illness Training Programs Based on Standard 5"* created by the Interdisciplinary Foodborne Illness Training Committee (document is attached to the Issue titled: Report - Interdisciplinary Foodborne Illness Training Committee).

2) posting the final document on the CFP website in MS Word and PDF.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-018

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

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Issue History:

This is a brand new Issue.

Title:

IFITC 3 - Reassign Charges to Program Standards Committee

Issue you would like the Conference to consider:

That the Conference considers that new and updated foodborne disease outbreak training programs will continue to occur and that all target agencies could benefit from a process that updates the list of training programs and reviews the programs. The IFITC firmly believes that the better avenue to continue this work will be under the Programs Standards Committee, a standing committee of the Conference for Food Protection.

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 public health professionals, health agencies, universities and industry in outbreak response can mitigate the negative impact of any outbreak. However, these entities may not be aware of the foodborne disease outbreak trainings that are currently in existence.

The Interdisciplinary Foodborne Illness Training Committee believes that these opportunities provide the chance for the Conference for Food Protection to continue to influence the food and beverage community, health agencies, universities, in the minimum, to review their Foodborne Illness Training to determine if their program is complete as outlined in Standard 5.

Recommended Solution: The Conference recommends...:

dissolving the Interdisciplinary Foodborne Illness Training Committee.

The Conference further recommends assigning the Program Standards Committee with the following standing charges:

1. Identify available resources related to foodborne illness training.
2. Assess any newly developed foodborne illness training courses or programs.

3. Maintain the document titled *Crosswalk - Requirements For Foodborne Illness Training Programs Based on Standard 5* as a resource and content baseline for foodborne illness training.
4. Report back any findings and recommendations to each biennial meeting of the Conference for Food Protection.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-019

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

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Issue History:

This is a brand new Issue.

Title:

Clarification for Re-standardization in VNRFRPS Standard 2

Issue you would like the Conference to consider:

The Voluntary National Retail Food Regulatory Program Standards (Program Standards) establish best practices for regulatory programs that license and inspect foodservice and retail food establishments; when applied, the Program Standards are intended to enhance uniformity within and between regulatory agencies.

A major requirement in Standard 2 (Trained Regulatory Staff) is the standardization of at least 90% of the regulatory inspection staff. Standard 2 is specific in stating that continuing standardization (re-standardization) *"shall be maintained by performing four joint inspections with the 'training standard' every three years,"* but lacks specific requirements related to the protocol or process to be used when conducting these joint inspections. The common assumption is that the process used for initial standardization shall also be used for re-standardization... but this is not stated in Standard 2.

In addition, the Program Standards Definition for a "training standard" lacks requirements for both continuing education and re-standardization. Again, the common assumption is that re-standardization of a "training standard" is required every three (3) years, with the same continuing education requirements as for regulatory inspection staff, and using the same process as that used for initial standardization of the "training standard"... but none of this is stated in the Definitions or in Standard 2.

Public Health Significance:

Non-specific language regarding continuing standardization in the Definitions and in Standard 2 requires every program manager who has achieved conformance with Standard 2 to make assumptions about how to effectively achieve re-standardization in his/her jurisdiction. In addition, a lack of stated requirements forces an auditor to also make assumptions about the requirements during a verification audit. Differing interpretations... and differing expectations... could result in a non-confirming audit. Moreover, specific

requirements that might be acceptable by one auditor... could be rejected in a subsequent audit by a different auditor.

The absence of specific language regarding continuing standardization (re-standardization)... and the need to rely on unstated (and potentially differing) assumptions... could easily result in regulatory agencies being held to vastly different requirements in order to successfully pass a second (and subsequent) verification audit of Standard 2.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA recommending:

1) Clarification of continuing standardization (re-standardization) requirements in the *Voluntary National Retail Food Regulatory Program Standards-January 2015* by insertion/deletion of the following language in the DEFINITIONS and in STANDARD 2 *(only those paragraphs impacted are included below; language to be inserted is in underline format and language to be removed is in strikethrough format. Full text of Standard 2 and suggested edits is available in the attached content document titled:* ***VNRFRPS Standard 2 Revision - full text****)*:

a) DEFINITIONS - Definition #29

Training Standard - An individual who has successfully completed the following training elements AND standardization elements in Standard 2 and is recognized by the program manager as having the field experience and communication skills necessary to train new employees. The training and standardization elements include:

1. Satisfactory completion of the prerequisite curriculum;

2. Completion of a field training process similar to that contained in Appendix B-2;

3. Completion of a minimum of 25 independent inspections and satisfactory completion of the remaining course curriculum; ~~and~~

4. Successful completion of a standardization process based on a minimum of eight inspections that includes development of HACCP flow charts, completion of a risk control plan, and verification of a HACCP plan, similar to the FDA standardization procedures~~.~~;

5. Completion of a minimum of 20 contact hours of continuing education in food safety every three (3) years as outlined in Standard 2; and

6. Successful standardization renewal every three (3) years based on the same protocol and field inspection process as that used to achieve initial standardization.

b) STANDARD 2, Trained Regulatory Staff (see attached content document titled: ***VNRFRPS Standard 2 Revision - full text)***

Requirement Summary, STEP 4: Food Safety Inspection Officer - Field Standardization

Continuing standardization (re-standardization) shall be maintained by performing four joint inspections with the "training standard" every three years; joint inspections shall be conducted using the same protocol, include the same field exercises, and apply the same scoring and assessment criteria used during initial standardization.

Note: *If a jurisdiction updates their standardization protocol, or their scoring and assessment tools, the most recent version shall be used during re-standardization.*

Should a jurisdiction fall short of having 90% of its retail food program inspection staff successfully complete the Program Standard 2 criteria within the 18 month time frame, or should a jurisdiction fail to meet all re-standardization requirements every three years, a written protocol must be established to provide a remedy so that the Standard can be met. This protocol would include a corrective action plan outlining how the situation will be corrected and the date when the correction will be achieved.

Documentation

The quality records needed for this standard include:

1. Certificates or proof of attendance from the successful completion of all the course elements identified in the Program Standard curriculum (Steps 1 and 3);
2. Documentation of field inspection reports for twenty-five each joint and independent inspections (Steps 2 and 3);
3. Certificates or other documentation of successful completion of a field training process similar to that presented in Appendix B-2. NOTE: The CFP Field Training Manual is available for the Conference for Food Protection web site: http://www.foodprotect.org/ and is located under the icon titled "Conference Developed Guides and Documents."
4. Certificates or other records showing proof of satisfactory standardization and/or re-standardization (Step 4);
5. Contact hour certificates or other records for continuing education (Step 5);
6. Signed documentation from the regulatory jurisdiction's food program supervisor or training officer that food inspection personnel attended and successful completed the training and education steps outlined in this Standard.
7. Date of hire records or assignment to the retail food program; and
8. Summary record of employees' compliance with the Standard.

2) Updating of any support material or documents related to Standard 2 and the Definitions of the *Voluntary National Retail Food Regulatory Program Standards-January 2015* to reflect any language change.

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Supporting Attachments:

- "• VNRFRPS Standard 2 Revision - full text"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-020

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

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Issue History:

This is a brand new Issue.

Title:

Reevaluation of FDA VNRFRP Standard 8

Issue you would like the Conference to consider:

The FDA *Voluntary National Retail Food Regulatory Program Standards* (VNRFRPS) provides an excellent framework for measure of conformity and serves as a benchmark for local health departments. It is our opinion that Standard 8 should be reevaluated to promote more feasible, sensible, and realistic criteria that can be obtained by health departments without reducing the overall objective of Standard 8.

Public Health Significance:

Standard 8 of the VNRFRPS creates an unattainable standard that prohibits local health departments (LHDs) from achieving this level of model operation.

Very few LHDs have met this Standard. Of this small number, many were one person jurisdictions that do not operate on the same capacity of the majority of LHDs. From the FDA VNRFRP website, of the 671 LHDs that are enrolled, only 27 have met Standard 8 thru self-assessment, 14 of those conducted their assessments over 5 years ago, and only 2 of the 27 were actually verified via an audit.

While the Standard surely should exist, the logic model doesn't seem sound when it is unattainable or impractical to efficient operations of LHDs. Standard 8 should be reevaluated, not to reduce the quality of the benchmark, but to review the criteria to be sure it is accurate and reasonable, as well as being an attainable standard of measure for LHDs to strive to attain.

Recommended Solution: The Conference recommends...:

that the CFP Program Standards Committee be charged to evaluate Standard 8 of the FDA Voluntary National Retail Food Regulatory Program Standards, as follows:

1. review the "Description of Requirements" for "Staffing Level" to ensure they are accurate, reasonable, and attainable for jurisdictions of all sizes,

2. report back their findings and recommendations to the 2018 Biennial Meeting of the Conference for Food Protection.

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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	_____		

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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 jurisdictions 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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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-022

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

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Issue History:

This issue was submitted for consideration at a previous biennial meeting, see issue: 2014, III-017; the recommended solution has been revised.

Title:

Complimenting Unannounced with Scheduled Inspections

Issue you would like the Conference to consider:

30,000+ health inspectors/assessors have an opportunity to be more focused on prevention in keeping with the principles of Active Managerial Control (AMC) and in the spirit of the Food Safety Modernization Act (FSMA).

A condition for improved learning for food handlers and their managers can be achieved by scheduling inspections rather than trying to learn during routine, unannounced inspections, especially when key managers are missing.

Local initiatives show that a scheduled assessment format is capable of culture change and the building of mutual respect between inspector and operator. Once a program of scheduled inspections is implemented neither party wants to return to former practices.

Discussions with the person-in-charge (PIC) and senior facility management, focused on prioritized risks, uncover many risks that cannot be discovered by observation alone. This point is crystallized in this quote from an operator during an outbreak investigation. "Why didn't you point out all these risks? Why did you wait until we had an outbreak?" http://handwashingforlife.com/blog/mike-mann/scheduled-restaurant-inspections

Public Health Significance:

Better-utilized health inspector time can protect the public by minimizing foodborne outbreaks.

Minimally trained foodservice managers and staff threaten public health. Without knowledge of clear risk-based objectives, managers are themselves barriers to effective and sustainable staff training as they set priorities and control budgets. It is the onsite manager education that has been the missing link, and high industry turnover rates exacerbate the issue.

There are approximately 30,000 inspector/trainers in the U.S. who conduct an estimated 20 million retail food inspections per year. Encouraging unannounced inspections will improve public health by focusing some of these inspections on communication and a training partnership between industry and regulators.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA recommending that the 2013 Food Code Annexes be amended to encourage complimenting unscheduled with scheduled inspection programs by regulatory agencies.

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Supporting Attachments:

- "Olmsted County Receives "Model Practice Award""
- "Olmsted County Crumbine Award Package"
- "Olmsted County - Risk Factor Identification"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-023

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

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Issue History:

This is a brand new Issue.

Title:

Report - Food Protection Manager Certification Committee (FPMCC)

Issue you would like the Conference to consider:

Please acknowledge the final report and thank the 2014-2016 Food Protection Manager Certification Committee (FPMCC) members for their effort in addressing the charges from the 2014 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.

Recommended Solution: The Conference recommends...:

acknowledging the Food Protection Manager Certification Committee (FPMCC) final report with attachments, and extending thanks to the Committee members for their work.

The Conference further recommends that the FPMCC continue its work on unfinished Issues from the 2014 Biennial Meeting, including:

1. Issue II-012 - Continue work 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; including, but not limited to, recommending language for items that could be made less prescriptive without a negative effect on security.

2. Issue II-015 - Determining the process and requirements for potential acceptance of the International Organization for Standardization/ International Electrotechnical Commission (ISO/IEC) 17024-2012 for food protection manager certification as an additional option to and without impact on the existing CFP Standards for Accreditation of Food Protection

Manger Certification Programs, with the input of standards development expertise from American National Standards Institute (ANSI).

3. Report back its findings and recommendations to the Executive Board and the 2018 Biennial Meeting of the Conference for Food Protection.

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Content Documents:

- "Food Protection Manager Certification Committee (FPMCC) Roster"
- "Report: Food Protection Manager Certification Committee"
- "Standards for Accreditation of Food Protection Mgr Certification Programs"

Supporting Attachments:

- "Security Evaluation Workgroup Baseline & Summative Self-Report Findings"
- "CFP-ISO Standards Comparison Equivalency Report"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-024

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

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Issue History:

This is a brand new Issue.

Title:

FPMCC 2- Standards for Accreditation of Food Protection Mgr Certification

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 incorporate punctuation, italics, capitalization, and other non-substantive changes.

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 for Accreditation of Food Protection Manager Certification Programs.

Recommended Solution: The Conference recommends...:

approval of revisions to the *Standards for Accreditation of Food Protection Manager Certification Programs* to incorporate punctuation, italics, capitalization, and other non-substantive changes (See Content Attachment 3 attached to Issue titled: Report - Food Protection Manager Certification Committee).

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-025

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

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Issue History:

This is a brand new Issue.

Title:

Mandatory Food Protection Manager Certification for Persons in Charge

Issue you would like the Conference to consider:

This issue is seeking a modification of the 2013 FDA Food Code to require that the designated "Person in Charge" (PIC) of a Food Establishment be a certified food protection manager who has passed a test that is part of an accredited program, as defined by the FDA Food Code. This modification would allow the regulatory authority the flexibility to exempt food establishments from this requirement if the regulatory authority deems the operation poses minimal risk of causing or contributing to foodborne illness.

Public Health Significance:

(Note: numbers is square brackets [x] refer to references found in Attachment A.)

Foodborne pathogens impose over $15.5 billion (2013 dollars) in economic burden on the U.S. public each year [1]. CDC estimates that each year 48 million people in the U.S. get sick, 128,000 are hospitalized, and 3,000 die of foodborne diseases [2, 3]. Norovirus is the leading cause of foodborne illnesses for which a specific pathogen can be identified (58%), and accounts for 26% of foodborne illness hospitalizations and 11% of foodborne illness deaths. Nontyphoidal *Salmonella* causes 11% of foodborne illnesses, and accounts for the most foodborne illness hospitalizations (35%) and deaths (28%) [3].

On average, Americans eat out at retail food service establishments 4.5 times a week [4].CDC has consistently identified retail food service establishments as the location of about 60% of foodborne illness outbreaks since 1993 [5, 6]. Many of these outbreaks are associated with unsafe practices within the establishments. Surveillance data show that factors associated with poor food preparation practices within establishments contributed to 35% of restaurant outbreaks with a single etiology, and factors associated with food worker health and hygiene contributed to 64% of those restaurant outbreaks [7]. Twenty percent of food workers have reported working while sick with vomiting and diarrhea, and infected food workers cause about 70% of reported norovirus outbreaks from contaminated food [8, 9].

Public health agencies have recognized that restaurants and other retail food facilities are avenues of exposure of the public to foodborne illness pathogens. Based on the assumption that certification leads to greater food safety knowledge and managers with this knowledge will successfully implement active managerial control of risk factors associated with foodborne illness and outbreaks, many public health agencies have required retail food service establishment manager food safety certification and even food worker food safety training. For example, the Illinois Food Service Sanitation Code requires manager certification, and as of July 1, 2014, the Illinois Code requires food handler training [10]. According to the National Restaurant Association's ServSafe website, 25 states require manager food safety certification and individual counties in 11 additional states also require certification of managers [11].

Based at least in part on the same assumptions made by public health agencies regarding certification, and recognizing their vulnerability to foodborne illness and disease outbreaks, the food industry has taken a leadership role in supporting food safety training and certification for their employees. For example, several chains require manager certification, regardless of their jurisdiction's regulations.

The assumption that manager food safety knowledge and certification will support active managerial control of risk factors has a scientific basis. Published studies that show the benefits include the following.

- Brown et al. (2014) found that certified managers and workers had greater food safety knowledge than noncertified managers and workers. Other studies on this topic conducted in local settings have reached similar conclusions [12-15].
- Bogard et al. (2013) found that managers in restaurants with a certified manager reported better food safety practices than managers in restaurants without a certified manager [16]. Specifically, managers in restaurants with a certified food manager, compared to managers in restaurants without a certified food manager, more often said that:
    - Workers in their restaurant were required to tell a manager when they were sick with gastrointestinal illness symptoms.
    - They took the final cook temperature of hamburgers.
    - They did not serve undercooked (rare or medium-rare) hamburgers.
- Kassa et al. (2010) found that restaurants with certified managers had significantly fewer critical food safety violations than restaurants without certified managers. [17]
- Cates et al. (2009) found that restaurants with certified managers present during inspection were less likely than restaurants without certified managers present to have critical violations in five of seven inspection categories.[18]
- Hedberg et al. (2006) found that restaurants in which an outbreak had occurred were less likely to have a certified manager than restaurants in which an outbreak had not occurred [19].
- In 2009, FDA found that full service restaurants with a certified manager present during the inspection, compared to those without a certified manager present, had fewer occurrences of risk factors in three of five categories. In 2004, FDA found that

full service restaurants had fewer occurrences of risk factors in two of five categories [20, 21].

Data from these studies indicate that manager certification is related to increased manager food safety knowledge, better food safety practices and inspection scores, and fewer foodborne illness outbreaks.

The Conference for Food Protection currently recognizes four providers of food protection manager certification. They provide accessible training in different languages. For example, the web site of one of the four certification providers reports that more than 5 million foodservice professionals have been certified through its food protection manager certification program.[22] showing that high quality resources for training and certifying food managers are readily available. There may be other accredited certification programs (e.g., state certified programs) that meet the Conference standards and provide the same conveniences.

A food safety certification requirement for food service establishment Persons-in-Charge is supported by the facts that:

- a large proportion of foodborne illness outbreaks are associated with retail food service establishments, indicating a lack of active managerial control of risk factors,
- the existing body of evidence supporting a link between manager certification and retail food safety,
- many state and local public health agencies already require certification,
- quality training and certification resources are readily available,
- the food industry may benefit from manager certification through reduced health and economic risks of foodborne outbreaks.

Exemption

Some establishments pose lower foodborne illness risk than others. It is appropriate for state and local agencies, by way of codes and ordinances or by policy, to establish criteria for what types of permitted establishments could be exempt from the mandatory manager certification requirement and for determining the conditions under which the minimum number of certified food protection managers must be some number greater than one.

Factors to consider when establishing such criteria include the size and scope of the operation, the hours of operation, and the types of foods sold or served.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that the 2013 FDA Food Code be modified as follows:

1. Requiring that the Person in Charge be a certified food protection manager who has passed a test that is part of an accredited program, as defined by the FDA Food Code.
2. Provide an exception to requiring the Person in Charge to be a certified food protection manager if the regulatory authority deems the establishment to pose minimal risk of causing or contributing to foodborne illness either at certain times of operation or based on the nature of food preparation.

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Supporting Attachments:

- "Attachment A - References"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-026

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

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Issue History:

This is a brand new Issue.

Title:

Report - Constitution, Bylaws and Procedures (CBP) Committee

Issue you would like the Conference to consider:

The 2014 - 2016 Constitution, Bylaws and Procedures Committee has addressed recommendations from the 2014 Biennial Meeting and have prepared a report summarizing its work.

Public Health Significance:

The Constitution, Bylaws and 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 committee report and appreciation for the work of the 2014 - 2016 Constitution, Bylaws and Procedures Committee members.

The Conference also recommends continued work by the Constitution, Bylaws and Procedures (CBP) Committee on charges assigned by the Executive Board to:

1. Review the Conference for Food Protection governing documents (Conference for Food Protection Constitution and Bylaws, Conference Procedures, Conference Biennial Meeting Manual, position descriptions, conference policies, etc.) to facilitate a merger and conformance of these documents into a comprehensive "Conference for Food Protection Manual." (Issues 2012-II-001, 2012-II-004, and 2014-II-018)
2. Review Industry constituency on Council 1.
3. Report back to the Executive Board; and submit recommendations as Issues at the 2018 Biennial Meeting.

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Content Documents:

- "CBP Committee Final Report"
- "2016 Constitution and Bylaws Roster"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-027

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

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Issue History:

This is a brand new Issue.

Title:

CBP 2 – Revision of CFP Commercialism Policy

Issue you would like the Conference to consider:

Several past incidents have occurred where the Conference for Food Protection (CFP) name and/or logo have been used or misused, without the consent of the Conference body or the Executive Board, to endorse or promote a product, process or service by brand name. Examples of such incidents include an article in a food safety related publication concerning CFP committee activities and the use of the CFP name and/or logo endorsing training programs. Additionally, there has been recent concern expressed by CFP members on the endorsement of products, processes or services by brand name during CFP committee meetings. As a result, the CFP Executive Board charged the Constitution, Bylaws and Procedures Committee with reviewing the existing Commercialism Policy with regards to these concerns and to "discern whether it is sufficient to apply to situations where the CFP name or logo is used in an unsanctioned manner by entities other than the CFP."

Upon review and deliberation of these concerns, the Constitution, Bylaws and Procedures Committee has drafted a more comprehensive policy addressing the development of committee Issues and/or supporting documents, the Issue submission process, and the intellectual property of the Conference.

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 current CFP Commercialism Policy (established 2000) be revised as provided below (language to be added is in underline format):

COMMERCIALISM POLICY

PURPOSE

This policy has been developed by the Executive Board to establish guidelines for the use of:

1) commercial names, logos, or other information in Issues submitted to the Conference and in Issues or documents developed through the Conference for Food Protection (CFP) committee process and,

2) CFP intellectual property including the Conference for Food Protection name and/or logo, without the express approval of the CFP Executive Board.

POLICY

Approval for use of the Conference for Food Protection name and/or logo is done through request and approval via the Conference for Food Protection Executive Board.

Issue Submission:

- *The Conference for Food Protection shall not endorse the use of a product, process or service by brand name.*
- *Issues submitted for consideration at a Biennial Meeting will be reviewed; and those where brand names are used in the Issue, rationale or solution will be rejected.*
- *The Issue Submission Form will contain a statement that reads, "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."*

Intellectual Property:

- *The use of Conference for Food Protection (CFP) name and/or logo for commercial, promotional and/or endorsement purposes is prohibited by any entity other than the CFP without the express approval of the CFP Executive Board. Prohibited usage may include, but is not limited to research, press releases, product promotions, etc.*

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Conference for Food Protection
2016 Issue Form

Issue: 2016 II-028

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

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Issue History:

This is a brand new Issue.

Title:

Committee to Explore Technology Solutions for Implementing CFP Guidance

Issue you would like the Conference to consider:

Retail food establishments are at risk for emergencies or disasters that could endanger the safety of the food and products sold to consumers. To assist these establishments in managing such crises, the CFP developed "The Emergency Action Plan for Retail Food Establishments" (document available on the CFP website at www.foodprotect.org/media/guide/Emergency%20Action%20Plan%20for%20Retail%20food%20Est.pdf). This document offers guidance to retail food stores and food service establishments, including very large and very small entities, as to the steps necessary to protect the public's health when circumstances affect food safety.

Safety guidance can only be effective if its existence is known and its recommendations are properly executed. Retail food establishments must not only train their employees, but such training has to prepare them to react appropriately in a crisis. Barring such training, or in cases where the fully trained employee is absent, individuals responding to a crisis must have committed the guidance to memory or be able to read, understand, and implement the guidance (if it is even readily available) during high pressure situations.

Requiring or recommending that food establishments post or maintain paper copies of safety guidance is a solution for the past. Technology is available, or can be easily developed, to assist employees with implementing the guidance at the time of the crisis with little or no training, allowing them to respond to changing circumstances under stressful conditions without relying on prior training or printed safety manuals.

Public Health Significance:

Food service employees come from every demographic category and educational background. Many employees are minors, some are new to the workforce, and experience levels can vary greatly among establishments. The workforce continues to become increasingly tech savvy, and the effectiveness of safety guidance should not depend so heavily upon traditional teaching methods that are skewed toward those with greater

maturity, education, or experience. Well designed, simple to use technology that brings the solution to the employee can help level the playing field.

For example, in-car navigation systems are very common and freely available on smart phones to provide drivers with turn-by-turn directions for even the most complicated journeys. The majority of Americans today own smart phones. On demand, step-by-step instructions, much like GPS navigation, that help guide food service employees through a crisis would greatly increase the consistency of responses in the event they are activated. This, in turn, would enhance public safety by ensuring that safety guidance like the CFP's "Emergency Action Plan for Retail Food Establishments" is followed properly.

As things stand today, the utility of CFP's guidance, and therefore the public safety benefits of this guidance, is limited to those circumstances where food service employees are effectively trained as to their implementation or aware of their existence. Technology available at an employee's fingertips to guide them through the proper procedures in a time of crisis would greatly enhance public safety.

Recommended Solution: The Conference recommends...:

that a technology committee be formed and charged to:

1. Make recommendations to the Conference for Food Protection in regard to:

(a) exploring technology solutions to assist food service employees to more effectively implement the 2014 Conference for Food Protection "Emergency Action Plan for Retail Food Establishments, Second Edition" and any other existing or future safety guidance provided by the CFP as deemed appropriate; and

(b) determine potential revisions to CFP's guidance, recommending technology solutions or adopting standards for the use of such solutions.

2. Report Committee recommendations to the 2018 Conference for Food Protection Biennial Meeting.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-001

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

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Issue History:

This is a brand new Issue.

Title:

Report - Listeria Retail Guidelines (LRG) Committee

Issue you would like the Conference to consider:

At the 2014 Biennial Meeting of the Conference for Food Protection, the Listeria Retail Guidelines Committee was re-created and charged (Issue: 2014 III-008) to revise the "2006 Voluntary Guidelines of Sanitation Practices Standard Operating Procedures and Good Retail Practices to Minimize Contamination and Growth of *Listeria monocytogenes* Within Food Establishments" to include:

1) sanitation guidance for equipment and food establishment environments,

2) good retail practices on how to prevent contamination and growth of Lm in retail establishments,

3) updated outdated links to other documents, and

4) information from and references to documents published by credible organizations on the topic of Lm prevention and control in food establishments.

(Note: the 2006 document titled "Voluntary Guidelines of Sanitation Practices Standard Operating Procedures and Good Retail Practices to Minimize Contamination and Growth of Listeria monocytogenes Within Food Establishments" is currently available on the CFP website at http://www.foodprotect.org/media/guide/2006CFPLmInterventionvoluntaryguidelines.pdf)

The Conference also recommends that the committee report its recommendations back to the 2016 Biennial Meeting with Issues to address:

1) the above charges, and

2) 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.

The Listeria Retail Guidelines Committee requests acknowledgement of their final report and acknowledgement of the committee members for their hard work.

Public Health Significance:

Listeria contamination continues to be a significant public health issue. Although the 2006 CFP Listeria Guidelines provided useful general information about cleaning, sanitizing and good retail practices, the guidelines required updating to reflect new information and available resources. The process and the resulting updates were developed by a committee whose membership included a wide variety of viewpoints and expertise to help ensure that the guidelines provide the best possible information to help food establishments protect public health.

Recommended Solution: The Conference recommends...:

1. Acknowledgment of the 2014-2016 *Listeria* Retail Guidelines Committee report,
2. Thanking the members of the 2014-2106 *Listeria* Retail Guidelines Committee for their work on the "2016 Draft Voluntary Guidelines of Sanitation Practices Standard Operating Procedures and Good Retail Practices to Minimize Contamination and Growth of *Listeria monocytogenes* within Food Establishments, Second Edition document", and
3. That the Committee be disbanded.

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Content Documents:

- "Reporrt-Listeria Retail (LRG) Committee"
- "Listeria Retail Guidelines (LRG) Committee Roster"
- "Listeria Retail Guidelines Document (2016)a"

Supporting Attachments:

- "2006 Listeria Guidelines"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-002

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

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Issue History:

This is a brand new Issue.

Title:

LRG 2 - Approval of Listeria Retail Guidance Document

Issue you would like the Conference to consider:

At the 2014 Biennial Meeting of the Conference for Food Protection, the Listeria Retail Guidelines Committee was re-created and charged (Issue: 2014 III-008) to revise the "2006 Voluntary Guidelines of Sanitation Practices Standard Operating Procedures and Good Retail Practices to Minimize Contamination and Growth of *Listeria monocytogenes* Within Food Establishments" to include:

1) sanitation guidance for equipment and food establishment environments,

2) good retail practices on how to prevent contamination and growth of Lm in retail establishments,

3) updated outdated links to other documents, and

4) information from and references to documents published by credible organizations on the topic of Lm prevention and control in food establishments.

The Conference also recommends that the committee report its recommendations back to the 2016 Biennial Meeting with Issues to address:

1) the above charges, and

2) 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.

Public Health Significance:

Listeria contamination continues to be a significant public health issue. Although the 2006 CFP Listeria Guidelines provided useful general information about cleaning, sanitizing and good retail practices, the guidelines required updating to reflect new information and available resources. The revision process and the resulting updates were developed by a committee whose membership included a wide variety of viewpoints and expertise to help

ensure that the guidelines provide the best possible information to help food establishments protect public health.

Recommended Solution: The Conference recommends...:

1. That the new "2016 Draft Voluntary Guidelines of Sanitation Practices Standard Operating Procedures and Good Retail Practices to Minimize Contamination and Growth of *Listeria monocytogenes* within Food Establishments, Second Edition document", be approved, replacing the 2006 document by the Conference for posting in both PDF and editable formats on the CFP website *(document is attached to Issue titled: Report - Listeria Retail Guidelines Committee)*; and
2. That a letter be sent to the FDA encouraging them to amend the 2013 Food Code, Annex 2 (References, Part 3-Supporting Documents) by adding a reference to the 2016 revision of the Conference approved voluntary guidelines.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-003

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

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Issue History:

This is a brand new Issue.

Title:

Report - Hand Hygiene Committee (HHC)

Issue you would like the Conference to consider:

The 2014-2016 Hand Hygiene Committee was charged to work in collaboration with FDA, CDC, and FSIS to:

a. Ascertain if additional definitions are necessary to clarify the hand hygiene procedures listed in the Food Code.

b. Use current research including the documents created by the Committee's 2012- 2014 work (Hand Contamination Event Hazard Chart; Questions to Consider when Evaluating Studies of Alternative Handwashing Approaches; and Scientific, Regulatory and Behavioral Consideration of Hand Hygiene Regimes) to determine if alternatives to hand hygiene procedures equivalent to those described in the Food Code are available.

c. Identify situations where procedures exist to prevent hand soil and contamination.

d. Review available research on the efficacy and public health significance of antibacterial soaps, and their impact on hand hygiene procedures in the food industry.

And report back the Committee's findings, outcomes, and recommendations to the 2016 Biennial Meeting of the Conference for Food Protection.

Public Health Significance:

Proper handwashing, is a vital and necessary public health practice in retail and food service. Transmission of pathogenic bacteria, viruses, and parasites from raw food or from ill workers to food by way of improperly washed hands continues to be one of several major factors in the spread of foodborne illnesses.

Recommended Solution: The Conference recommends...:

1. Acknowledgement of the 2014-2016 Hand Hygiene Committee report.

2. Thanking the committee for the effort of the members put forth in working on the charges.
3. Disbanding the Hand Hygiene Committee.

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Content Documents:

- "2014-2016 Hand Hygiene Committee Final Report"
- "2014-2016 Hand Hygiene Committee Roster"
- "2014-2016 Comparison of Selected Hand Hygiene Efficacy Test Methods"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-004

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

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Issue History:

This is a brand new Issue.

Title:

HHC 2 - Definition for “Hand Cleaning Compound”

Issue you would like the Conference to consider:

The CFP Hand Hygiene Committee (HHC) was charged to ascertain if additional definitions are necessary to clarify the hand hygiene procedures listed in the Food Code.

The Hand Cleaning Procedures found in the 2013 FDA Food Code section 2-301.12(B)(2) requires food employees to "apply an amount of cleaning compound recommended by the cleaning compound manufacturer."

The HHC identified specific areas in the Food Code where amendments and definitions can provide further clarity to regulators and retail food stakeholders. Prevention of cross-contamination is essential in foodservice, and explicitness in the Food Code can help reduce potential risk. The HHC identified that defining "Hand Cleaning Compound" was necessary to eliminate ambiguity in what exactly could be used as a hand cleaning compound.

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.

Regulators and retail foodservice stakeholders reference the Food Code for guidance and clarity on appropriate approaches for removal or reduction of potential pathogens from hands. Therefore, the Food Code should be inclusive of clarifying language to assure the reader understands intent.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (using underlining for language additions):

1. Add a definition for "Hand Cleaning Compound"

"HAND CLEANING COMPOUND" - A formulated hand hygiene product used to remove soils and transient microorganisms on hands.

2. Replace the term "cleaning compound" with "HAND CLEANING COMPOUND" as appropriate throughout the Food Code and related guidance documents.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-005

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

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Issue History:

This is a brand new Issue.

Title:

HHC 3 - Definition for “Antiseptic Hand Rub”

Issue you would like the Conference to consider:

The CFP Hand Hygiene Committee (HHC) was charged to ascertain if additional definitions are necessary to clarify the hand hygiene procedures listed in the Food Code.

The Hand Antiseptic section of the 2013 FDA Food Code; 2-301.16 (A) states "A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall..."

The HHC identified specific areas in the Food Code where amendments and definitions can provide further clarity to regulators and retail food stakeholders. The HHC identified that defining "Antiseptic Hand Rub" was necessary to eliminate ambiguity between an "antiseptic hand rub" and the other items listed in the section; hand antiseptic solutions used as hand dips and hand antiseptic soaps.

Prevention of cross-contamination is essential in foodservice, and explicitness in the Food Code can help reduce potential risk.

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.

Regulators and retail food service stakeholders reference the Food Code for guidance and clarity on appropriate approaches for removal or reduction of potential pathogens from hands. Therefore, the Food Code should be inclusive of clarifying language to assure the reader understands intent.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (using underlining for language additions):

1. Add a definition for "ANTISEPTIC HAND RUB."

"ANTISEPTIC HAND RUB" An antiseptic hand hygiene product applied to the hands and rubbed until dry, used to reduce the transient microorganisms on the hands.

2. Add reference to ANTISEPTIC HAND RUB to Section 2-301.16, Hand Antiseptics.

(A) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, ANTISEPTIC HAND RUB, 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 be listed in:

(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

(3) Be applied only to hands that are cleaned as specified under § 2-301.12. [Pf]

(B) If a hand antiseptic, ANTISEPTIC HAND RUB, 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) Followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves; [Pf] or

(2) Limited to situations that involve no direct contact with food by the bare hands. [Pf]

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-006

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

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Issue History:

This is a brand new Issue.

Title:

HHC 4 - Recommendations to FDA

Issue you would like the Conference to consider:

A letter be sent to the FDA:

1. Encouraging the development of handwashing performance standards that will allow evaluation of equivalent alternate procedures for soil removal from hands of food handlers.
2. Encouraging CFSAN (Center for Food Safety and Applied Nutrition) to work in conjunction with CDER (Center for Drug Evaluation and Research) to define antiseptic criteria for food handler use.

Public Health Significance:

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.

In order to evaluate any alternate procedures that may be equivalent to the handwashing procedures that are prescribed in the Food Code, establishing performance standards by which to compare are necessary. Additionally, antiseptic criteria for food handler use is necessary.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA:

1. Encouraging the development of performance standards that will allow evaluation of equivalent alternate procedures for soil removal from hands of food handlers.
2. Encouraging CFSAN (Center for Food Safety and Applied Nutrition) to work in conjunction with CDER (Center for Drug Evaluation and Research) to define antiseptic criteria for food handler use.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-007

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

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Issue History:

This is a brand new Issue.

Title:

Re-create Hand Hygiene Committee to review "When to Wash" (2-301.14)

Issue you would like the Conference to consider:

Proper handwashing at appropriate times in FOOD ESTABLISHMENTS is critical to public health. To promote compliance at times when contamination may have occurred, it is important that code language be clear to not include times when contamination has not occurred. Section 2-301.14(G) of the 2013 FDA Food Code requires the washing of hands anytime a switch is made between working with raw and READY-TO-EAT FOOD. Circumstances likely exist in which contamination of the hands does not occur when working with raw FOOD, such as when appropriate utensils are used.

Public Health Significance:

Annex 3 of the 2013 Food Code states that "Many employees fail to wash their hands as often as necessary." By clarifying the times that are necessary for handwashing, and excluding times in which contamination has not occurred, industry will be better able to focus attention on quality handwashing at the necessary times. The CFP Hand Hygiene Committee can provide direction on this matter.

Recommended Solution: The Conference recommends...:

the re-created Hand Hygiene Committee be charged with the following:

1. Review the 2013 FDA Food Code and related sections and develop recommendations and direction on how to appropriately qualify Section 2-301.14 (When to Wash), part (G), to clarify handwashing requirements at times when risk may not actually exist, while still protecting public health.
2. Develop recommendations on revised language for the FDA Food Code and Annex 3.
3. Report back its findings and recommendations to the 2018 Biennial Meeting of the Conference for Food Protection.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-008

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

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Issue History:

This is a brand new Issue.

Title:

Allowing Specified Use of Hand Antiseptic in Place of Handwashing

Issue you would like the Conference to consider:

Section 2-301.14 requires handwashing before certain tasks after the hands may have been contaminated in various ways.

Compliance with handwashing requirements is often difficult to obtain.

The healthcare industry relies heavily on hand antiseptics in situations where low soil and grease conditions are expected.

One specific scenario in food establishments is analogous. Handling payments from customers, either cash, check, or credit/debit cards, should not present heavy soil or grease conditions that would limit the hand antiseptic's effectiveness. Coupled with an increased compliance rate, the public health should be protected at the same or greater level compared with traditional handwashing.

Public Health Significance:

Allowing appropriate hand antiseptic use in place of handwashing in certain, limited circumstances would increase compliance and reduce the chances of the spread of pathogens.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined):

2-301.14 When to Wash.

FOOD EMPLOYEES shall clean their hands and exposed portions of their arms as specified under § 2-301.12 immediately before engaging in FOOD preparation including working with exposed

FOOD, clean EQUIPMENT and UTENSILS, and unwrapped SINGLESERVICE and SINGLE-USE ARTICLES[P] and:

(I) *Except as specified in ¶ (J),* After engaging in other activities that contaminate the hands. [P]

(J) *A hand antiseptic specified in §2-301.16 may be used according to manufacturer's directions instead of handwashing as specified under §2-301.12 when contamination may occur during a payment transaction.* [P]

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-009

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

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Issue History:

This is a brand new Issue.

Title:

Updating the Handwashing Procedure to Reflect Liquid/Foam Soaps

Issue you would like the Conference to consider:

Section 2-301.12 of the 2013 FDA Food Code specifies the required handwashing procedure. The first step is to wet the hands.

However, this step does not seem necessary when a liquid or foam soap is used. Liquid and foam soaps allow the soap to be spread without first wetting the hands.

Some manufacturers' directions specify applying the soap to dry hands.

In addition, when the hands are wet before using the dispenser, with the exception of automatic dispensers, moisture is unnecessarily added to the dispenser, which could increase the spread of germs.

Public Health Significance:

Eliminating the requirement to first wet the hands when liquid or foam soaps are used will reduce an unnecessary regulatory burden and decrease unnecessary moisture in food establishments.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined):

Section 2-301.12

(B) FOOD EMPLOYEES shall use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms:

(1) ~~R~~Unless using a liquid or foam cleaning compound, rinse under clean, running warm water; [P]

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-010

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

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Issue History:

This issue was submitted for consideration at a previous biennial meeting, see issue: 2014, III-017; new or additional information has been included or attached.

Title:

Hand Cleanse-Sanitize Protocol Not Requiring Running Water

Issue you would like the Conference to consider:

Food service situations with compromised potable water supply are many and growing as operators respond to the public's demand to have safe food convenient to their daily trail. This results in food being prepared and served in venues without running water for hand washing. Gloves are not the full answer as when they are damaged or contaminated or a task change is required, there is no reasonable option to clean hands between glove changes.

Harvesting produce occurs in water-compromised fields. Workers contaminate ready-to-eat foods and inconvenient access to water results in infrequent soap-water hand washes.

A range of compromised water systems were approved by jurisdictions around the country based on the presence of water rather than its effectiveness. The flow rate in these options is normally far below the effective flow rate of 2.0 gallons per minute, specified in the Uniform Plumbing Code (UPC).

The most common interpretation of an alternative "approved method" for hand washing at venues without running water is a jug of water actuated by manually depressing a release button or lever, a cleaning agent, toweling and a waste receptacle to catch wastewater.

A cleanse-sanitize protocol was developed for the US Military in 2006 and picked up by special water-short venues in the Southern Nevada Health District, including use by Clark County Schools during water outages. Along with years of use, several independent research studies have been added, confirming the cleanse-sanitize antimicrobial effectiveness against bacteria and viruses.

Separate studies also identify three hand sanitizers effective on norovirus, the best of those three was selected by Clark County and other noro-concerned operators like the cruise ships and the world's largest 5 star resort - the Venetian and Palazzo properties. This protocol's superior convenience elevates compliance over the traditional alternative using a jug of water.

Under the 2013 FDA Food Code, Subparagraph 2-301.16 (A)(3) requires hand antiseptics "Be applied only to hands that are cleaned as specified under § 2-301.12.[Pf]"

It has been demonstrated, documented and published in credible, peer-reviewed journal (Journal of Food Protection) that effective hand cleansing, "equivalent or superior" to hand washing with soap and water as specified in Section 5-203.11, can be achieved by applying an excess of alcohol based hand sanitizer as the cleaning agent, scrubbing for 15 seconds, wiping on a single-use towel, followed by an application of alcohol based hand sanitizer following normal label usage instructions.

The latest testing of this hand cleansing/degerming technique shows it to be effective in the presence of organic food soils. This adds an additional safety factor to support incorporation of the method into food safety practices.

This protocol is not a substitute for hand washing in stationary facilities where cleaning can be accomplished per Section 2-301.12.

Public Health Significance:

Potential contamination of ready-to-eat foods by inadequately washed or unwashed hands is increased in situations where access to running water is limited or unavailable. The new proposed option increases the odds of effective hand degerming in those situations.

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA requesting the 2013 Food Code be amended as follows (new language underlined):

5-203.11 Handwashing Sinks

(D) When food exposure is limited and handwashing sinks are not conveniently located, such as at outdoor events, mobile or temporary food service, and vending machine locations, employees may use a regimen using hand antiseptic as the cleansing agent wherein this step 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 instruction.

(1) Said hand antiseptic shall meet requirements as specified in Section 2-301.16.

(2) Said hand antiseptic shall have supporting test data indicating statistical equivalence to a standard handwash in hand degerming.

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Supporting Attachments:

- "SaniTwice: A Novel Approach to Hand Hygiene"

- "Hand Hygiene Regimens for the Reduction of Risk in Food Service Environment"
- "Ability of Hand Hygiene Interventions Using Alcohol-Based Hand Sanitizers"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-011

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

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Issue History:

This is a brand new Issue.

Title:

Reduce risk of cross-contamination by hands.

Issue you would like the Conference to consider:

Public health is best protected when code language is risk-based and easy to understand. When code language is not clear or when alternate interpretations lead to recommendations or to enforcement decisions that are not based on risk, compliance declines. This results in increased risk to public health. The handwashing section of the 2013 FDA Food Code (2-301.14) is a section that could benefit from further clarification.

2013 FDA Food Code §2-301.14(G) requires that hands be washed "When switching between working with raw FOOD and working with READY-TO-EAT FOOD." This language is based on the assumption that there was a contamination event (hands became contaminated) during the handling of the raw FOOD (e.g., through direct contact with the hand), but contamination of the hands does not always occur when handling raw FOOD and yet this section still requires hands to be washed.

In many operations, to help avoid cross contamination, UTENSILS (SINGLE-USE or multi-use) are used as a means to handle the raw FOOD. When contamination of hands and/or gloves is prevented through the use of UTENSILS, this route of hand based cross-contamination is eliminated.

The use of UTENSILS to prevent contamination is a far more reliable method for protecting public health than relying on proper handwashing to reduce contamination. Other sections of the Food Code (3-301.11(B)) recognize the value of UTENSILS in keeping hands and food separate.

The handwashing section of the Food Code, as written, needs further clarification to help ensure requirements to wash hands applies when contamination of the hands occurs.

Public Health Significance:

Annex 3 of the Food Code outlines that "Handwashing is a critical factor in reducing fecal-oral pathogens that can be transmitted from hands to ready-to-eat (RTE) food as well as

other pathogens that can be transmitted from environmental sources. Many employees fail to wash their hands as often as necessary and even those who do may use flawed techniques."

By codifying allowance of another important method of "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," positive public health outcomes can be promoted.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that Section 2-301.14(G) of the 2013 Food Code be amended as follows (language to be added is underlined):

2-301.14 When to Wash.

FOOD EMPLOYEES shall clean their hands and exposed portions of their arms as specified under § 2-301.12 immediately before engaging in FOOD preparation including working with exposed FOOD, clean EQUIPMENT and UTENSILS, and unwrapped SINGLESERVICE and SINGLE-USE ARTICLES[P] and:

(G) Except when UTENSILS are used to prevent contact with raw FOOD, when switching between working with raw FOOD and working with READY-TO-EAT FOOD.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-012

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

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Issue History:

This is a brand new Issue.

Title:

Food Service Employees Not Meeting Hand Hygiene Timing Compliance Code

Issue you would like the Conference to consider:

Based on the multiple tests conducted by the Center for Disease Control (see attached Journal for Food Protection (JFP)- Factors Related to Food Worker Hand Hygiene Practices PDF) and sanitation departments around the nation, it is necessary for a person to wash their hands for a minimum of 15 - 20 seconds directly under water and with approved soaps to kill 99.9% of disease causing bacteria to reach a true clean (see attached Hand Washing Facts - Joe Hardy PDF). Based on a Michigan State University (see attached Michigan State University Hand Hygiene Compliance Study PDF) study of over 4,000 participants, only 5% of individuals are washing their hands correctly per the regulations where 15 to 20 seconds is required for a total germ free clean.

The average person only washes for 8 seconds. The average professional only washes for 12 seconds. As stated by the Center for Disease Control and local health departments nationwide, there is no direct and efficient substitute for hand sanitation than a simple correctly executed hand wash with soap and water. Poor hand hygiene accounts for up to 60%, which is the majority of food borne illness as outlined by the World Health Organization (see attached World Health Organization Hand Hygiene and Food Borne Illness PDF). This statistic is only of reported food borne illness cases where only a small fraction of all occurrences are actually reported to health authorities leaving this epidemic in reality to be exponentially higher. Poor hand washing also directly accounts for over 20,000 deaths annually in medical establishments in regards to contraction of Hospital Acquired Infections, the 4th leading cause of death in the United States today.

Public Health Significance:

The Center for Disease Control has researched, studied, and dictated the proper methodology of hand hygiene is washing your hands for a minimum of 20 seconds to avoid the spread of harmful bacteria from a person's hands. So many cases of food borne illnesses and hospital acquired infections are directly traced back to poor hand hygiene

practices being conducted by food service and medical professionals. *Staphylococcus aureus* is common on people's hair, nose, and skin and because shaking hands, fixing your hair, and wiping your nose are all ways of spreading this bacteria; washing your hands for 20 seconds is the most effective preventive measure to safeguard yourself and others from illnesses. It is the first sign of defense always outlined by health authorities to protect oneself from illness.

Food service employees that do not wash their hands for a minimum of 20 seconds are more prone to causing customer illness. As more and more people are going out to eat and the exponential growth of the hospitality industry, without proper hand washing timing tools, many food service employees can pass harmful bacteria onto others by simply having poor hand hygiene practices. *Clostridium difficile* is also becoming a huge epidemic in food service as well as medical facilities as it is extremely common among the general public and passed via touch and normal contact. Because it is a spore, it is resistant to hand sanitizers and thus the only way to properly kill and remove this bacteria is by washing one's hands correctly with soap and water to remove the spore bacterium. The requirement for a hand washing timer on every hand washing sink in a retail food service establishment will ensure that proper hand hygiene compliance will increase and food service employees can stop the spread of harmful bacteria in their establishments. This recommendation would ensure that users are meeting the 20 second cleaning procedure as stated in FDA 2013 Food Code 2-301.12 (Cleaning Procedure Section A). Such hand washing timers are readily available in today's market.

Recommended Solution: The Conference recommends...:

A letter be sent to the FDA requesting all retail food establishments be required to have a hand washing timer on all hand washing sinks in their establishment(s) and that language be amended to the 2013 FDA Food Code as follow:

1. adding a Paragraph E to Section 5-202.12 (Hand washing Sink, Installation) stating the requirement of a hand washing timer on all hand washing sinks in all retail food establishments
2. adding a Paragraph D to Section 5-205.11 (Using a Hand washing Sink) stating the requirement of a hand washing timer on all hand washing sinks in all retail food establishments.

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Supporting Attachments:

- "Michigan State University Hand Hygiene Compliance Study PDF"
- "Hand Washing Facts PDF"
- "World Health Organization Hand Hygiene and Food Borne Illness PDF"
- "JFP - Factors Related to Food Worker Hand Hygiene Practices"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-013

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

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Issue History:

This is a brand new Issue.

Title:

Motion-Activated Handwashing Sinks

Issue you would like the Conference to consider:

The FDA made editorial changes to the Food Code in May 1, 2010, June 3, 2013, and March 6, 2014 and issued a response to the question of whether Section 5-202.12 (C) of the 2013 FDA Code addressed water-conserving motion sensor activated faucets if reactivation is by movement of the hands. FDA determined that even though § 5-202.12 (c) states that self-closing, slow-closing, or metering faucets at a handwashing sink shall provide a flow of water for at least 15 seconds without the need to reactive the faucet, it does not apply in the case of motion-activated handwashing faucets. If this determination has been made my FDA for almost 5 years and these motion-activated faucets are in use throughout the industry then it should be clearly stated in the Food Code that movement of hands is an acceptable means of reactivation if hands are not contaminated in the process.

Public Health Significance:

The attached letter for supporting documentation shows FDA justification that "there does not appear to be a conflict in achieving a proper handwashing per Section 2-301.12 with the use of water conserving motion-sensor activated handwashing faucets, as there would not be a restricted water flow or restricted use of the hands with the reactivation of the sensors".

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined)*:*

Section 5-202.12

(C) A self-closing, slow-closing, <u>motion-activated</u> or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

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Supporting Attachments:

- "Motion Sensor Activated Faucets v03"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-014

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

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Issue History:

This is a brand new Issue.

Title:

Bandage, Finger Cot, and Stall contamination

Issue you would like the Conference to consider:

The addition of a requirement in the Food Code of the necessity to wear a glove over on any cuts on hands, fingers or wrists when working with exposed food.

Public Health Significance:

The possible physical contamination of a bandage, finger cot or stall in exposed food products from employees. Additionally, bandages, finger cots and stalls are not effectively cleaned with normal handwashing procedures.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined):

3-401 Bandages, Finger Cots, or Stall products on Wrists, Hands or Fingers

3-401.13 An impermeable cover such as a bandage, finger cot or stall located on the wrist, hand or finger of a food employee working with exposed food shall be covered with a Single-Use glove. [Pf]

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-015

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

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Issue History:

This is a brand new Issue.

Title:

Require disposable gloves at foodservice handwash sinks

Issue you would like the Conference to consider:

Amend the 2013 FDA Food Code to require each handwashing sink located in food preparation and service areas to be provided with a supply of disposable single-use gloves, if utilized.

Public Health Significance:

The proposed new language addresses a major risk factor and is designed to facilitate and achieve immediate corrective action while also supporting long term corrective action. Repeated on site correction changes behavior patterns which leads to long term compliance and lays a foundation that will improve hand hygiene habits.

The location and accessibility of disposable single-use gloves at foodservice handwashing sinks offers an intervention strategy and provides a solution to high priority Food Code violations in Section 2-301.14 (H). If gloves are utilized, they need to be located at the point where handwashing occurs. This will serve to remind and encourage proper handwashing prior to the use of gloves.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that a new Section be added to the 2013 Food Code as follows (language to be added is underlined):
6-301.15

Each handwashing sink located in food preparation and service areas shall be provided with a supply of disposable single-use gloves if utilized.[Pf]

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-016

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

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Issue History:

This is a brand new Issue.

Title:

Employee Health Interventions – Reducing Norovirus

Issue you would like the Conference to consider:

The employee health section of the 2013 FDA Food Code contains provisions for controlling the transmission of norovirus through exclusion and restriction of ill food employees. This Issue seeks to align the criteria for a food employee that is experiencing symptoms of vomiting and diarrhea with those for a food employee diagnosed with an infection from norovirus. This Issue also seeks to remove the distinction in criteria for exclusion and restriction between a highly susceptible population (HSP) and non-HSP.

Public Health Significance:

(note: specific references are noted numerically in parenthesis and can be found on the attached document titled: References-FDA Food Code Employee Health Interventions, Reducing Norovirus)

Norovirus is recognized as the most common cause of acute gastroenteritis (AGE), defined as vomiting or diarrhea, in all age groups worldwide and the leading cause of foodborne disease outbreaks in the United States (1-3). CDC estimates that each year in the U.S., norovirus causes 19-21 million illnesses and contributes to 56,000-71,000 hospitalizations and 570-800 deaths (4). Foodborne norovirus disease costs approximately two billion dollars each year in healthcare expenses and lost productivity alone (5). As highlighted by recent examples, the cost of norovirus outbreaks to the food service industry is also considerable. Consuming food that has been contaminated by infected food workers during preparation in restaurants and other retail settings has been identified as the most common scenario of foodborne norovirus outbreaks (3).

Vomiting and diarrhea are the most common symptoms of norovirus illness. However, food employees, like most people, do not routinely seek medical attention for these symptoms. If they do, they are likely not tested for norovirus by their health practitioner. As a result, the vast majority of norovirus illnesses are not diagnosed by a healthcare practitioner. Individuals infected with norovirus generally have symptoms for 1-3 days, but can shed

virus for an average of 4 weeks after infection and can shed between 10^5- 10^{11} viral copies per gram of feces, even if they are asymptomatic (6). Infected individuals can shed copious amounts of the virus long after symptoms have ended, and only 18-2,800 viral particles are required to infect a healthy individual (7,8).

Norovirus is highly transmissible and can readily cause outbreaks in a wide variety of settings (9). The virus can be transmitted not just through food, but through other modes, such as contact with contaminated environmental surfaces and direct person-to-person contact. Further, the virus can persist and remain infectious on environmental surfaces for days to weeks and can withstand both heating and freezing temperatures (10). As such, an infected individual that is restricted from food handling, but not excluded from a food establishment, can still readily cause an outbreak.

Currently, the 2013 Food Code recommends exclusion for a minimum of 24 hours after symptoms subside for food employees with vomiting or diarrhea symptoms. For symptomatic food employees diagnosed with norovirus infection, the Food Code recommends exclusion for a minimum of 48 hours after symptoms subside. For asymptomatic food employees with a norovirus diagnosis, the Food Code recommends exclusion for those working in an establishment serving a highly susceptible population (HSP), and restriction for those working in an establishment that does not serve a highly susceptible population.

Since employee health provisions for norovirus were originally placed in the 2005 Food Code, there has not been a recognized decline in the incidence of foodborne outbreaks caused by norovirus (4, 11). Several factors influence the likelihood of norovirus transmission from an infected food employee in the retail setting, such as:

- Norovirus is a fecal-oral route pathogen that is commonly spread when food is contaminated by infected food employees (9).
- Norovirus has a low infectious dose and can be shed by infected individuals even after symptoms cease (6-8).
- Norovirus persists on food contact and non-food contact surfaces (10).
- 20% of food workers report having worked while ill with vomiting or diarrhea during at least one shift per year, 61% of which reported working two or more shifts while ill (12), suggesting there may be at least 2.5 million shifts worked while ill with vomiting or diarrhea each year in the U.S. (13).
- Infected food employees that are restricted, but not excluded, may still work with food items, such as wrapped food and food service utensils.

The continued predominance of norovirus as the leading cause of foodborne disease outbreaks over the past decade suggests that the current recommendations in the Food Code may not be adequate. In an effort to address this public health concern, FDA and CDC would like to modify the employee health controls/interventions to aid in the reduction of foodborne norovirus outbreaks.

The longer we can keep infected people away from working with food, the greater we reduce the likelihood of occurrence of foodborne illness caused by norovirus. By amending the provisions of the Food Code to recommend a minimum exclusion of 48 hours after symptoms subside for food employees with vomiting and diarrhea in general (with a diagnosis of norovirus illness OR not) and eliminating the current distinction between HSP

and non-HSP settings within the employee health provisions specific to norovirus, we can further reduce the risk of transmitting norovirus at the retail level.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that the 2013 Food Code, Part 2-2 Employee Health, Subpart 2-201 *Responsibilities of Permit Holder, Person in Charge, Food Employees, and Conditional Employees* be amended to reflect the following changes:

1. Extend the exclusion period for food employees symptomatic with vomiting or diarrhea and NO diagnosis of norovirus illness from a minimum of 24 hours after becoming asymptomatic to a minimum of 48 hours after becoming asymptomatic.
2. Remove the distinction in criteria for exclusion and restriction in highly susceptible populations (HSP) and non-HSP establishments, thereby requiring exclusion until a minimum of 48 hours after becoming asymptomatic in all settings.
3. Remove the allowance to restrict a food employee that has been diagnosed with an infection from norovirus (exclusion criteria only).
4. Extend the exclusion period for a food employee who is asymptomatic and diagnosed with norovirus illness from a minimum of 24 hours to a minimum of 48 hours.

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Supporting Attachments:

- "References- FDA Food Code Employee Health Interventions, Reducing norovirus"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-017

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

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Issue History:

This is a brand new Issue.

Title:

Amend Food Code – Clarify Clean-up of Vomiting and Diarrheal Events

Issue you would like the Conference to consider:

A recommendation is being made to change the 2013 FDA Food Code, Section 2-501.11 Clean-up of Vomiting and Diarrheal Events to include a clarification of specific written procedures for managing vomit events. FDA Food Code 2-501.11 discusses general information on addressing vomit and diarrheal events but current science has evolved sufficiently to provide more details on procedures to address risk factors.

Public Health Significance:

Human norovirus (NoV) causes a disease characterized by vomiting- its hallmark symptom, with nausea, diarrhea, abdominal pain, headache, and low-grade fever. By virtue of the sheer numbers of cases per year, even a low likelihood of severe disease (0.03%) or death (<0.1%) will still result in a large number of serious outcomes (Scallan et al., 2011). Current estimates are that human NoVs are responsible for 56,000 - 71,000 hospitalizations and 570 - 800 deaths annually (Hall et al., 2013).

Infected individuals shed high concentrations (up to 1011 genomic copies/g feces measured by RT-qPCR) of virus in their feces before, during and after illness (Atmar et al., 2008). In human challenge studies with Norwalk virus, virus shedding was first detected a median of 36 hours (ranging 18-110 hours) after exposure and lasted a median of 28 days (range of 13-56 days). Peak Norwalk virus concentration (median of 9.5 x 1010 genomic copies/g feces) occurred 4 days post-challenge and then decreased after 2 weeks.

Aside from the well-recognized impact that fecal material plays in NoV transmission, vomitus can also play a major role. In fact, aerosolization of NoV caused by vomiting has long been believed to be important to transmission (Sawyer LA et al., 1988; Gellert and Glass 1994; Caul EO 1994; Chadwick and MaCann 1994; Marks et al., 2000; Marks et al., 2003). Greenberg et al., 1979 estimated that 3 x 107 virus particles are released in 30 ml of vomitus based on electron microscopic analysis. At the time of this writing, these were the only quantitative data available. Further, human NoV have been detected in both oral

mouthwash and fecal samples collected from individuals who had experienced illness for over three weeks. Human NoV detection in mouthwash samples correlated with vomiting incidents (Kirby et al., 2010). There is also a substantial body of evidence supporting a role for vomiting in the transmission in human NoV, including outbreaks occurring in hotels, schools, aircraft, concert halls and cruise ships (Cheesbrough et al., 2000; Kimura et al., 2011; Marks et al., 2000; Thornley et al., 2011; Marks et al., 2003; Evans et al., 2002; Cheesbrough et al., 1997; Gallimore et al., 2006; Gallimore et al., 2008; Isakbaeva et al., 2005). It has been hypothesized that widespread environmental contamination due to virus aerosolization (Marks et al., 2000; Marks et al., 2003) has been and important contributing factor in such outbreaks.

Instances of vomiting have been implicated as the source of human NoV contamination of ready-to-eat foods. For instance, an ill baker vomited in a sink prior to preparing bread rolls for a large buffet lunch, causing 250 individuals to become ill (deWit et al., 2007). In another example, a kitchen assistant vomited in a sink, resulting in contamination of potato salad that caused half of over 100 guests at a wedding reception to become ill (Patterson et al., 1997). Vomiting into a waste bin at a restaurant was also implicated as the source of NoV contamination of an antipasti platter that resulted in workers and over 350 patrons getting sick (CDC 2007).

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA recommending the 2013 Food Code be amended to include clarifying language for written procedures as follows (new language is underlined):

2-501.11 Clean-up of Vomiting and Diarrheal Events.

A FOOD ESTABLISHMENT shall have <u>written</u> procedures for EMPLOYEES to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the FOOD ESTABLISHMENT. The procedures shall address the specific actions EMPLOYEES must take to minimize the spread of contamination and the exposure of EMPLOYEES, consumers, FOOD, and surfaces to vomitus or fecal matter.

<u>In the case of a vomit event, these written procedures must include cordoning off an area of no less than 25 feet in diameter, initial cleaning of gross visible contamination with water to minimize spread and take into account the likelihood of aerosolization of virus particles. Procedures must also include subsequent disinfection with 1000 ppm chlorine (or other disinfectant registered as effective against norovirus by the Environmental Protection Agency (EPA). Procedures must also include steps for segregating cleaning and sanitation equipment from food preparation, storage and handling areas. Procedures also must include a training program for clean-up employees, include the use of personal protective equipment (PPE), and the monitoring of clean-up employees for symptoms for 72 hours post event</u>.

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Supporting Attachments:

- "Detection and quantification of airborne norovirus during outbreaks in heal"
- "Aerosolization of a Human Norovirus Surrogate, Bacteriophage MS2, during Si"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-018

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

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Issue History:

This issue was submitted for consideration at a previous biennial meeting, see issue: 2014 I-021; the recommended solution has been revised.

Title:

Sore Throat with Fever

Issue you would like the Conference to consider:

The 2013 FDA 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 release from exclusion requirement goes above and beyond what is required for other reportable symptoms. Additionally, ***Streptococcus pyogenes*** is not one of the reportable diagnosed illnesses, (e.g. "big six.")

Public Health Significance:

The 2013 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 release from exclusion requirement goes above and beyond what is required for other reportable symptoms. Additionally, ***Streptococcus pyogenes*** is not one of the big six reportable diagnosed illnesses.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format)*:*

Section 2-201.13

(G) Reinstate a FOOD EMPLOYEE who was EXCLUDED or RESTRICTED as specified under Subparagraphs 2-201.12(G)(1) or (2) if the FOOD EMPLOYEE ~~provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE meets one of the following conditions~~:

1. ~~Has received antibiotic therapy for *Streptococcus pyogenes* infection for more than 24 hours~~ Is ASYMPTOMATIC for at least 24 hours; P or
2. ~~Has at least one negative throat specimen culture for *Streptococcus pyogenes* infection;P~~ The Food Employee provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the Food EMPLOYEE meets one of the following:

(a) Has received antibiotic therapy for *Streptococcus pyogenes* infection for more than 24 hours; P

(b) Has at least one negative throat specimen culture for *Streptococcus pyogenes* infection; P or

(c) Is otherwise determined by a HEALTH PRACTITIONER to be free of a *Streptococcus pyogenes* infection. P

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-019

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

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Issue History:

This is a brand new Issue.

Title:

Plant Food Cooking Time Frame

Issue you would like the Conference to consider:

Addition of a time frame for cooking plant food that will be placed into hot holding

Public Health Significance:

Plant foods which have been subjected to heating become Time Temperature Control for Safety (TCS) since the naturally present competing mircoflora has been changed. Therefore leaving the TCS plant foods within the temperature danger zone for longer than 4 hours, could result in logarithmic growth of pathogenic bacteria, as shown by modeling.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format)*:*

3-401.13 Plant Food Cooking for Hot Holding

Fruits and vegetable that are cooked for hot holding shall be cooked to a temperature of 57ºC (135ºF)~~.~~, within 4 hours.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-020

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

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Issue History:

This is a brand new Issue.

Title:

Plant Food Cooking for Hot Holding

Issue you would like the Conference to consider:

Clarify that plant food includes more than just fruits and vegetables. FDA retail specialists have provided guidance indicating items such as roots, rice and pasta should be considered plant foods.

Public Health Significance:

Roots and grains are Time/Temperature Control for Safety foods (TCS) once heat treated and are often hot held after cooking. A specified minimum cooking temperature is needed to prevent the growth of pathogens and ensure hot holding begins at the proper temperature.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format):

Section 3-401.13

Plant foods, such as ~~F~~fruits, ~~and~~ vegetables, roots and grains, that are cooked for hot holding shall be cooked to a temperature of 57°C (135°F). [Pf]

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-021

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

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Issue History:

This is a brand new Issue.

Title:

Cooking by food temperature

Issue you would like the Conference to consider:

Establishing criteria for a heat transfer medium such as "still dry", "convection" and "high humidity", for various weights of a meat product lacks correlation with the actual temperature of the meat. This code artifact does not accommodate either existing or new and novel cooking technologies. There are many examples of this. Steamers are one example of this misfit. Neither ovens nor steamers are defined in section 1-201.10 (B) of the FDA 2013 Food Code so whatever characteristics you choose to define and differentiate one from the other is a figment of imagination. As it stands, convection steamers do not comply with the 250ºF "air" temperature requirement and arguably - do not cook with air (an insulator) anyway. The maximum temperature attained in a pressureless steamer is that of boiling water at whatever elevation you are at (eg., 212ºF at sea level). Is this to say that you cannot cook a whole meat item to a safe temperature in a steamer? Of course not, as even chicken has a minimum core cooking temperature of 165ºF, well below the temperature of steam and well below the 250ºF minimum established in section 3-401.11 (B)(1).

New, highly advanced food equipment is here and more is on the horizon. They thermally treat meats and other foods from raw to ready to eat by controlling the *enthalpy* of heat ("H") within their cooking zones. They control the rate of energy transfer into the thermal mass (the food). Many if not all of these new cooking technology equipment provide continuous logging and/or event notification enabling food pasteurization - without the pouch and the water bath. This new equipment embraces all of the elements associated with the destruction of pathogenic organisms by controlling energy/mass-flow rates to provide positive control of *boundary layer* and *inertia* effects.

Another novel cooking technology uses long-wave length infrared radiation (900nm-1mm) and can bring a WHOLE meat core temperature to required minimums for required times without ever getting the air temperature anywhere near those shown in the table of Section 3-401.11 (B)(1) of the 2013 FDA FOOD CODE titled "*Oven Temperatures Based on Roast Weight"*. The same can be said of microwave ovens and new hybrid equipment where

microwave is but one of the energy transfer methods. Defining specific criteria for things other than internal food temperatures are short sighted, excessive and limits innovation without adding anything to food safety.

Technology has accelerated dramatically in the past twenty years, and it has now caught up to food equipment, food equipment/processes and ancillary systems. It may be wise for the Conference for Food Protection, the FDA and for licensed operators and their associations to seek liaison with domestic and international food equipment and safety system innovators to ensure that the criteria in the FDA Food Code is relevant to current mainstream equipment systems if not emerging state of the art food equipment processes.

Public Health Significance:

The FDA Food Code should stick with establishing reasonable ***science based*** safety of foods using food criteria such as food temperatures, rather than establishing temperatures for heat transfer mediums that have no direct correlation to the safety characteristics of food. By establishing criteria for one heat transfer medium (air) the code inadvertently restricts innovation. Rather, the code's food based criteria should be specific enough to ensure food safety, but broad enough to encourage investment in innovative food preparation and safety technology.

Like any effective HACCP plan, review is required to reassess the environment in which we operate and changes in technology can have significant impacts on safety and costs.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined)*:*

Section 3-401.11

Remove all of (B) (1) and the corresponding table titled "*Oven Temperatures Based on Roast Weight"* from Section 3-401.11, and amend the language to read

(B) Whole MEAT roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham shall be cooked 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: P

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-022

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

Slow Continuous Cooking of Raw Animal Foods

Issue you would like the Conference to consider:

The 2013 FDA Food Code identifies final cooking temperatures for many foods and provides for minimum oven temperature in the case of roasts. However, the problem of slow come up time is not addressed adequately in the code. Temperature controlled for safety (TCS) foods can be allowed to linger at temperatures that allow the proliferation of pathogenic microorganisms and production of heat stable toxins under the existing provisions in the Food Code.

Slow come up times for continuously cooked foods present two specific hazards. First, pathogens that produce heat stable toxins can be allowed to multiply and produce toxins before lethality is reached. The second hazard is that all lethality processes such as those found in USDA Appendix A make assumptions about the number of pathogens present in the food at the beginning of the cooking process. Slow come up times can allow pathogens to replicate to levels where the lethality treatment is not effective.

Slow cooking TCS foods is often seen by food establishment operators as a culinary process providing an enhanced product. The code should restrict the time TCS foods are allowed to dwell in the danger zone. Raw animal and plant foods allowed to linger in the danger zone for extended periods are more likely to produce toxins from *Staphylococcus aureus*, *Clostridium perfringens*, and *Salmonella.* Limiting the amount of time raw animal foods and plant foods can take to stay between the temperatures of 50°F to 130°F will reduce the ability of pathogens to proliferate.

Public Health Significance:

The Food Code Section 3-401.11 provides for minimum final internal product temperatures for raw animal foods, respectively, cooked for hot holding. Section 3-401.11(B) adds requirements for whole meat roast including beef, corned beef, lamb, pork, and cured pork roast such as ham to be placed in a preheated oven at no less than 250° F. The minimum

existing oven temperature of 250ºF is applied to ensure an adequate lethality treatment to these foods.

However, in many establishments meat products are prepared by processes using slow and very slow come up times. In these cases there exists the potential for outgrowth of pathogens that produce heat stable toxins such as *Staphylococcus aureus*, *Clos*. Also, other pathogens may reproduce to a concentration above the ability of the lethality treatment to control.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be modified as follows (language to be added is underlined):

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 thats being cooked:

(1) 63ºC (145ºF) or above for 15 seconds <u>within 4 hours</u> for : P

(a) Raw Eggs that are broken and prepared in response to a CONSUMER'S order and for immediate service, P and

(b) Except as specified under Subparagraphs (A)(2) and (A)(3) and (B) and in (C) of this section, FISH and 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);P

(2) 68ºC (155ºF) for 15 seconds <u>within 4 hours</u> or the temperature specified in the following chart that corresponds to the holding tine for RATITES, MECHANICALLY TENDERIZED, and INJECTED MEATS; 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 a voluntary inspection program as specified under Subparagraph 3-201.17(A)(2); and raw EGGS that are not prepared as specified under Subparagraph (A)(1)(a) of this section:.P

(3) 74ºC (165ºF) or above for 15 seconds <u>within 4 hours</u> for POULTRY, BALUTS, WILD GAME, 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 RATITIES.P

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-023

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

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Issue History:

This is a brand new Issue.

Title:

Reheating Commercially Processed TCS Foods in a Microwave for Hot Holding

Issue you would like the Conference to consider:

Clarify that when reheating commercially processed TCS foods in a microwave for hot holding, those foods must be rotated or stirred, covered, and allowed to stand covered for two minutes after reheating. FDA retail specialists have provided guidance indicating the intention is to require "all" TCS foods reheated in a microwave for hot holding to be rotated or stirred, covered, and allowed to stand covered for two minutes after reheating, as specified in Section 3-403.11(B) of the 2013 FDA Food Code. However, 3-403.11(B) specifically states "except as specified under (paragraph) (C) of this section" - paragraph (C) contains the temperature requirement for reheating commercially processed TCS foods in a microwave for hot holding, but does not address the food being rotated or stirred, covered, and allowed to stand covered for two minutes after reheating. Other sections in Chapter 3 that are similarly structured have not been "interpreted" in the same manner by FDA retail specialists; parts of paragraphs have not been applied when an exception is made.

Public Health Significance:

Microwaves do not heat evenly. Inadequate reheating for hot holding could allow pathogen survival/growth.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format):

Section 3-403.11

(A) Except as specified under ¶¶ (B) and (C) and in ¶ ~~(E)~~ (F) of this section, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is cooked, cooled, and

reheated for hot holding shall be reheated so that all parts of the FOOD reach a temperature of at least 74ºC (165ºF) for 15 seconds. P

(B) Except as specified under ¶ (C) of this section, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD reheated in a microwave oven for hot holding shall be reheated so that all parts of the FOOD reach a temperature of at least 74ºC (165ºF) ~~and the FOOD is rotated or stirred, covered, and allowed to stand covered for 2 minutes after reheating~~. P

(C) READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that has been commercially processed and PACKAGED in a FOOD PROCESSING PLANT that is inspected by the REGULATORY AUTHORITY that has jurisdiction over the plant, shall be heated to a temperature of at least 57ºC (135ºF) when being reheated for hot holding. P

(D) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD reheated in a microwave oven for hot holding shall be rotated or stirred, covered, and allowed to stand covered for 2 minutes after reheating. P

~~(D)~~ (E) Reheating for hot holding as specified under ¶¶ (A) -(C) of this section shall be done rapidly and the time the FOOD is between 5ºC (41ºF) and the temperatures specified under ¶¶ (A) -(C) of this section may not exceed 2 hours. P

~~(E)~~ (F) *Remaining unsliced portions of MEAT roasts that are cooked as specified under ¶ 3-401.11(B) may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under ¶ 3-401.11(B).*

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-024

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

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Issue History:

This is a brand new Issue.

Title:

Separation of Packaged Products Displayed at Retail

Issue you would like the Conference to consider:

Retailers have a desire to cross merchandise certain items for customer convenience at point of sale (e.g. packages of cheese singles displayed adjacent to modified atmosphere packages (MAP) of raw preformed hamburgers, cooked bacon packages near raw bacon packages). Additionally, packaged salads may contain packets of portioned salad dressing within the package of salad greens. The 2013 FDA Food Code Section 3-302.11 has been used as the basis for not allowing this type of product merchandising.

Modern package integrity has improved and is less likely to leak when compared to historical packaging. This improved packaging mitigates the cross-contamination concerns over juices spilling from a package containing one species of meat/poultry onto another package containing another species. Package integrity is a food safety and quality issue and defects are corrected immediately.

Public Health Significance:

The FDA Food Code requires separation of products to protect from cross contamination. While prevention of cross contamination is critical, we are not aware of any documented foodborne illnesses from cross contamination from packaged product in retail stores due to contact with other packaging. In the event that packaging integrity is compromised, products are removed and the area is cleaned and sanitized. Therefore, the public health impact of this provision is minimal and the proposed change would be minimal.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the 2013 Food Code Section 3-302.11 (A) be amended and for the word "AND" to be changed to an "OR" in section (B) (7) as follows (language to be added is in underline format)

3-302.11

A) FOOD shall be protected from cross contamination by:

(1) Except as specified in (1)(c) and (d) below, separating raw animal FOODS during storage, preparation, holding, and display from:

(a) Raw READY-TO-EAT FOOD including other raw animal FOOD such as FISH for sushi or MOLLUSCAN SHELLFISH, or other raw READY-TO-EAT FOOD such as fruits and vegetables, [P] and

(b) Cooked READY-TO-EAT FOOD; [P]

(c) *Frozen, commercially processed and packaged raw animal FOOD may be stored or displayed with or above frozen, commercially processed and packaged, ready-to eat food.*

(d) Food that is adequately packaged to prevent the entry of microbes and other contaminants such as chemicals, and displayed in a manner that would further reduce the likelihood of contamination such as a physical barrier or any other effective means.

(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) Cleaning EQUIPMENT and UTENSILS as specified under ¶ 4-602.11(A) and SANITIZING as specified under § 4-703.11;

(4) Except as specified under Subparagraph 3-501.15(B)(2) and in ¶ (B) of this section, storing the FOOD in packages, covered containers, or wrappings;

(5) Cleaning HERMETICALLY SEALED CONTAINERS of FOOD of visible soil before opening;

(6) Protecting FOOD containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;

(7) Storing damaged, spoiled, or recalled FOOD being held in the FOOD ESTABLISHMENT as specified under § 6-404.11; ~~and~~ OR

(8) Separating fruits and vegetables, before they are washed as specified under § 3-302.15 from READY-TO-EAT FOOD.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-025

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

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Issue History:

This is a brand new Issue.

Title:

Separating Raw Animal Food from Unwashed Fruits and Vegetables

Issue you would like the Conference to consider:

Specify that raw animal food must be separated from unwashed fruits and vegetables. Unwashed fruits and vegetables are not considered ready-to-eat. Therefore the separation required between raw animal food and ready-to-eat food does not apply.

Public Health Significance:

Raw animal foods contain naturally occurring bacteria that are eliminated by cooking. Many fruits and vegetables are only washed, not cooked. Washing fruits and vegetables that have been cross contaminated by raw animal foods is not an effective control measure.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format):

Section 3-302.11(A)(1)

(A) FOOD shall be protected from cross contamination by:

(1) Except as specified in (1)~~(c)~~ (d) below, separating raw animal FOODS during storage, preparation, holding, and display from:

(a) Raw READY-TO-EAT FOOD including other raw animal FOOD such as FISH for sushi or MOLLUSCAN SHELLFISH, or other raw READY-TO-EAT FOOD such as fruits and vegetables, [P] and

(b) Cooked READY-TO-EAT FOOD; [P]

(c) Fruits and vegetables before they are washed as specified under § 3-302.15.

~~(c)~~ (d) *Frozen, commercially processed and packaged raw animal FOOD may be stored or displayed with or above frozen, commercially processed and packaged, ready-to-eat food.*

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-026

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

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Issue History:

This is a brand new Issue.

Title:

Chemical treatment of water used to wash or crisp raw fruits and vegetables

Issue you would like the Conference to consider:

The consumption of fresh produce has increased in the US while at the same time outbreaks of public health significance related to fresh fruits and vegetables continue to occur. The safety of fresh produce remains a challenge for the food industry. As technologies to enhance the safety of fresh produce become more readily available, they should be utilized by all food establishments.

As specified in the 2013 Food Code in section 3-302.15 Washing Fruits and Vegetables, "...raw fruits and vegetables ***shall*** be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in READY-TO-EAT form. [Emphasis added]

Further, in the Food Code paragraph 3-302.15(B), it states, "Fruits and vegetables ***may*** be washed by using chemicals as specified under § 7-204.12." [Emphasis added]

Washing fresh produce, in this context, is required but using treated water is optional. It is well documented that raw agriculture commodities (RACs) may be contaminated with pathogens and, when soaked or submerged in water, there is a risk of cross-contamination. Various chemicals are available that can minimize and/or prevent cross-contamination and, to a lesser degree, reduce pathogen load on fresh produce.

Therefore, the Conference should consider that when produce is washed, crisped, re-hydrated or processed by soaking or submersion, the water used for these purposes shall be chemically treated to minimize the risk of cross-contamination.

Public Health Significance:

The use of chemicals for washing, treatment, storage and processing fruits and vegetables is specified in the Food Code as follows:

7-204.12 Chemicals for Washing, Treatment, Storage and Processing Fruits and Vegetables, Criteria.

(A) Chemicals, including those generated on-site, used to wash or peel raw, whole fruits and vegetables shall:

(1) Be an approved food additive listed for this intended use in the Code of Federal Regulations, 21 CFR 173, [P] or

(2) Be generally recognized as safe (GRAS) for this intended use, [P] or

(3) Be the subject of an effective food contact notification for this intended use (only effective for the manufacturer or supplier identified in the notification), [P] and

(4) Meet the requirements in 40 CFR 156 Labeling Requirements for Pesticide and Devices. [P]

The criteria for using chemicals for washing, treatment, storage and processing fruits and vegetables are designated in the Food Code as priority items. Sufficient controls are already prescribed to ensure the safe and effective use of these chemicals.

Washing raw fruits and vegetables can remove soil and other contaminants. Many food establishments use soaking or submersion as an approved, effective technique for washing produce. This method is often preferred for a variety of reasons, including:

- The contact time is better controlled
- All surfaces come in direct contact with the water
- It reduces the amount of waste water
- It allows for simultaneous washing and re-hydrating
- It helps minimize shrink and extends shelf life
- It improves the appearance of the product
- *And*, when chemicals are added, can provide an antimicrobial treatment for the reduction/prevention of cross-contamination.

It is well documented that pathogenic microorganisms may be present on the exterior surfaces of raw fruits and vegetables. The Food Code Annex 3, Chapter 3, Section 3-302.15 Washing Fruits and Vegetables states that "...more recent studies have demonstrated washing to fall short of their [pathogens] complete removal." There is currently no readily available treatment that can ensure removal or destruction of all pathogens on raw agriculture commodities (RACs) with the possible exception of irradiation.

Using chemically treated water to wash and/or process fresh produce can impact public health by minimizing the risk of cross-contamination and reducing pathogens if they are present. The Food Code Annex 3, Public Health Reasons, supports this position in Section 3-302.15 Washing Fruits and Vegetables as follows:

"All fresh produce, except commercially washed, pre-cut, and bagged produce, must be thoroughly washed under running, potable water or with chemicals as specified in Section 7-204.12, or both, before eating, cutting or cooking. Even if you plan to peel or otherwise alter the form of the produce, it is still important to remove soil and debris first" [Emphasis added] and "It is important to follow practices that minimize pathogens in the water or on the surface of produce." [Emphasis added]

The use of chemicals is equivalent, if not better, than rinsing under running water. Further, the use of chemicals will minimize pathogens in the water. It is estimated (unpublished data) that over three-quarters of grocery stores soak/submerge certain raw produce items to wash, crisp and/or re-hydrate them. Concerns about cross-contamination have led some experts to question the potential risk when soaking produce in untreated water. However, treated water has been shown to be very effective in minimizing/preventing cross-contamination

In January 2014, the Food Marketing Institute published, in collaboration with the Produce Marketing Association and United Fresh Produce Association, *"Produce Safety Best Practices Guide for Retailers*" advising retailers to use sanitizers when soaking/submerging fresh produce. The following guidance was provided to retailers regarding crisping fresh produce:

- If a bath is used, follow sanitizer recommendations
- If using a bath, an appropriate sanitizer should be used in compliance with label directions. [Emphasis added]

(http://www.fmi.org/docs/default-source/food-safety/produce-safety-best-practices-guide.pdf?sfvrsn=2)

Treating produce wash water in the processing sector has been extensively studied. The FDA *Guidance for Industry: Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables* (October, 1998) specifically addresses this issue. In Chapter 2, Section 2.2 it states, "...antimicrobial chemicals in processing water are useful in reducing microbial build-up in water and may reduce microbial load on the surface of produce. Thus, antimicrobial chemicals may provide some assurance in minimizing the potential for microbial contamination."

(www.fda.gov/food/guidanceregulation/guidancedocumentsregulatoryinformation/ucm064574.htm)

The failure to add antimicrobial chemicals in processing water has also been cited as a contributing factor in foodborne outbreaks attributed to fresh produce. For example, a U.S. House of Representatives, Committee on Energy and Commerce report on an investigation of an outbreak of Listeria monocytogenes in cantaloupe states that FDA officials found several deficiencies including not using an "antimicrobial solution such as chlorine in the water used to wash the cantaloupes."

Additional studies and research support the use of chemicals in water that comes in contact with RACs. For example, a study was conducted in November 2013, comparing 5 different sanitizer options and plain tap water. It was found that sanitizers can have a significant impact on food safety because they are effective in reducing pathogens in the wash water itself, which reduces opportunities for cross-contamination.[1] (attached)

At the 2013 Symposium of the Center for Produce Safety (CPS), a collaborative partnership of industry, government and academic communities, a Key Learning report on wash water concluded, in part:

Many different products are washed, cooled or transported using water. Therefore it is important that the water is treated and maintained properly so that it does not become a source of cross contamination for human pathogens, should they be present. It is equally important to remember that simply washing products is not an effective mechanism for

removing contamination, i.e. it cannot remove or kill pathogens that have had the opportunity to naturally seek out hidden surfaces on products and adhere to them. Therefore our focus is to manage contamination risks throughout production (e.g. GAPs, inspections, hygiene, equipment sanitation, training programs, etc.) and control wash, cooling and transport processes using water so that we do not create cross contamination scenarios. Improper control over wash, cooling or water-based transport systems can do harm, i.e. resulting in large-scale cross contaminations. Dr. Trevor Suslow vividly demonstrated this assertion using an inoculated cilantro load and washing it with un-inoculated parsley on a commercial wash system. The improperly controlled wash system permitted cross contamination onto the parsley demonstrating the potential for cross contamination.

(http://www.centerforproducesafety.org/amass/documents/document/186/Key%20Learnings_2013%20CPS%20Symposium.pdf)

On January 22, 2013, the Center for Produce Safety (CPS) conducted a seminar on post-harvest water disinfection. Among the Key Learnings from this seminar was the following conclusion:

Disinfectants are used in water that contacts produce to prevent cross contamination and not necessarily to kill microorganisms that might be present on the surface of the fruit or vegetable.

If water is not properly treated with active disinfectant, after a period of time the water could become a source of contamination for any fruits or vegetables that are conveyed, cooled or washed in it. Therefore the primary reason for treating water with disinfectants is to keep the water clean of microbial build up. In most systems the level of microbial reduction on the surface of fruits or vegetables is generally thought to be 1-2 logs.

(http://www.pma.com/content/articles/2014/05/cps-wash-water-key-learnings)

The FDA *Analysis and Evaluation of Preventive Control Measures for the Control and Reduction/Elimination of Microbial Hazards on Fresh and Fresh-Cut Produce*, A Report of the Institute of Food Technologists for the Food and Drug Administration published September 30, 2001 provided this summary in Chapter V. Section 1:

It is well established that pathogenic microorganisms associated with whole or fresh-cut produce can cause disease outbreaks, thereby demonstrating the need for improved mitigation efforts to reduce risks associated with these products.

The best method to eliminate pathogens from produce is to prevent contamination in the first place. However, this is not always possible and the need to wash and sanitize many types of produce remains of paramount importance to prevent disease outbreaks. It should be noted that washing and sanitizing are unlikely to totally eliminate all pathogens after the produce is contaminated. Therefore, it is important to use washing and sanitizing protocols that are efficient.

(http://www.fda.gov/Food/FoodScienceResearch/SafePracticesforFoodProcesses/ucm091363.htm)

Finally, the technology and/or products used to treat water used to wash, crisp, re-hydrate or process fresh produce by soaking or submersion are not proprietary. Several antimicrobial compounds are readily available to the industry. No one product or supplier is advocated. Food establishments have the opportunity to select a water treatment that is

most appropriate to their circumstances. A comprehensive review of these chemicals can be found in the FDA *Preventive Control Measures for Fresh & Fresh-Cut Produce*, Chapter V., Methods to Reduce/Eliminate Pathogens from Produce and Fresh-Cut Produce.

(www.fda.gov/Food/FoodScienceResearch/SafePracticesforFoodProcesses/ucm090977.htm)

[1] Davidson, G., Buchholz, A., Ryser, E. 2013 November*. Efficacy of Commercial Produce Sanitizers against Nontoxigenic Escherichia coli O157:H7 during Processing of Iceberg Lettuce in a Pilot-Scale Leafy Green Processing Line*. Journal of Food Protection; Number 11: pp. 1824-1993, pp. 1838-1845

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that section 3-302.15 of the 2013 Food Code be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format):

3-302.15 Washing Fruits and Vegetables.

(B) Fruits and vegetables ~~may~~ shall be washed by using chemicals as specified under § 7-204.12 when soaked or submerged.

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Supporting Attachments:

- "Efficacy of Commercial Produce Sanitizers against Nontoxigenic Escherichia"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-027

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

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Issue History:

This issue was submitted for consideration at a previous biennial meeting, see issue: 2014-III-27; the recommended solution has been revised.

Title:

Chemicals Used for Washing and Treating Fruits and Vegetables

Issue you would like the Conference to consider:

A revision and clarification to the language of the 2013 Food Code, Section 7-204.12. The current language of Section 7-204.12 of the FDA Food Code *Chemicals for Washing, Treatment, Storage and Processing Fruits and Vegetables, Criteria,* does not:

1. Differentiate between two categories of products, one chemical substance providing wash properties only and another substance with antimicrobial treatment properties.
2. Allow for additionally approved antimicrobial treatment chemicals other than Ozone.

Washing chemicals (detergents) *can* be different than treatment chemicals (antimicrobials). Washing chemicals are typically rinsed off after use and do not carry antimicrobial claims. Many other treatment (antimicrobial) chemicals are not rinsed off after use and do carry claims to reduce, control, kill or treat microorganisms in/on Fruits and Vegetables or in wash water. The Food Code combines these uses in Section 7-204.12 and we recommend clearing up confusion and providing guidance for compliance and enforcement.

As technology advances, new methods to wash and treat produce are being developed. New treatment chemicals are being evaluated and cleared by FDA and registered with EPA, if applicable. Treatment chemicals used on fruits and vegetables can be under jurisdiction of FDA, EPA, or both, depending on the use and where the treatment occurs. The complexity of this jurisdiction and the lack of clear guidance may lead to the improper use of these chemicals some of which were not adequately reviewed by health and safety regulating agencies.

A decision tree is available from FDA (and could be included in the Food Code Annex if deemed appropriate) to help explain the EPA-FDA jurisdiction of antimicrobial substances entitled *Determining Regulatory Authority of Antimicrobial Substances* and found at the following link:

http://www.fda.gov/Food/IngredientsPackagingLabeling/PackagingFCS/RegulatoryAuthorityAntimicrobialSubstances/default.htm

Lastly, the Food Code as it is currently written does not allow for antimicrobial treatment chemicals other than Ozone. There are many other antimicrobial chemicals on the market today that have been reviewed and cleared by FDA (and/or registered by EPA). The way the Food Code currently depicts Ozone as a treatment chemical in 7-204.12 suggests that Ozone is the only antimicrobial chemical treatment allowed. Moreover, an update would be needed to the Food Code (or Annex) each instance that a new treatment chemical (i.e. Sodium Dodecylbenzenesulfonate/SDBS in Annex 3) is cleared by FDA. Section 7-204.12 is not all inclusive and should be revised to allow for treatments chemicals other than Ozone without the need to update the Food Code each time new chemistry is developed and approved.

Public Health Significance:

Per Annex 3 of the 2013 FDA Food Code- "*If the chemical wash, boiler water additive, or drying agent used is not made up of components that are approved as food additives or generally recognized as safe, illness may result".* This improper use of chemicals may also lead to public health issues such as food adulteration and recalls, and/or potentially acute and chronic health effects to both the consumer and the employees within the food retail facilities. The lack of clear and explicit guidance surrounding chemicals used for treating fruits and vegetables creates confusion, and allows for misinterpretation.

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA requesting the 2013 Food Code Section 7-204.12 Chemicals for Washing, Treatment, Storage and Processing Fruits and Vegetables, Criteria be modified as follows (language to be added is underlined; language to be deleted is in strikethrough format):

(A) Chemicals, including those generated on-site, used to wash or peel raw whole fruits and vegetables shall:

(1) Be an approved food additive listed for this intended use in 21 CFR 173, or

(2) Be generally recognized as safe (GRAS) for this intended use, or

(3) Be the subject of an effective food contact notification for this intended use (only effective for the manufacturer or supplier identified in the notification), and

(4) Meet the requirements in 40 CFR 16 Labeling Requirement for Pesticide and Devices.

(B) Chemicals ~~Ozone~~, including those generated on-site, used as an antimicrobial agent ~~used~~ in the treatment, storage, and processing of fruits and vegetables in a food establishment shall: ~~meet the requirements of 21 CFR 173.368 Ozone:~~

1. Meet the requirements in 7-204.11 and 7-204.12 (A), and,
2. Be appropriately cleared/registered by FDA or/and EPA and be used in accordance with the EPA - registered label use instructions, or manufacturer's instructions.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-028

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

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Issue History:

This is a brand new Issue.

Title:

Ambient Cooling Pre-chilled TCS Foods

Issue you would like the Conference to consider:

Clarify the 2013 FDA Food Code that ambient cooling also applies to pre-chilled Time Temperature Control for Safety (TCS) food that has risen above 41°F during preparation at ambient temperature.

Public Health Significance:

Section 3-501.14 Annex 3 of the 2013 FDA Food Code states safe cooling requires removing heat from food quickly enough to prevent microbial growth. Excessive time for cooling of time/temperature control for safety foods has been consistently identified as one of the leading contributing factors to foodborne illness. During slow cooling, time/temperature control for safety foods are subject to the growth of a variety of pathogenic microorganisms.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format)

Section 3-501.14

(A) Cooked TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be cooled:

(1) Within 2 hours from 57ºC (135ºF) to 21ºC (70°F); [P] and

(2) Within a total of 6 hours from 57ºC (135ºF) to 5ºC (41°F) or less. [P]

(B) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be cooled within 4 hours to 5ºC (41ºF) or less if prepared from ingredients at ambient temperature, such as reconstituted FOODS and canned tuna. [P]

(C) Pre-chilled TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that rises above 5°C (41°F) during preparation at ambient temperature, such as sliced deli meats and prepared sandwiches, shall be cooled within 4 hours to 5°C (41°F) or less.

~~(C)~~ (D) Except as specified under ¶ ~~(D)~~ (E) of this section, a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD received in compliance with LAWS allowing a temperature above 5°C (41°F) during shipment from the supplier as specified in ¶ 3-202.11(B), shall be cooled within 4 hours to 5°C (41°F) or less. P

~~(D)~~ (E) Raw EGGS shall be received as specified under ¶ 3-202.11(C) and immediately placed in refrigerated EQUIPMENT that maintains an ambient air temperature of 7°C (45°F) or less. P

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-029

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

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Issue History:

This is a brand new Issue.

Title:

Acidified Food Date Marking Exemption

Issue you would like the Conference to consider:

In the 2013 FDA Food Code, DATE MARKING is exempt under Section 3-501.17 (G) for specific FOODS prepared and PACKAGED by a FOOD PROCESSING PLANT inspected by a REGULATORY AUTHORITY. For example, this exemption allows for foods such as deli salads manufactured under 21 CFR 110 Current Good Manufacturing Practices and for Preserved FISH products, such as pickled herring and dried or salted cod, and other acidified FISH products defined in 21 Code of Federal Regulation (CFR) 114 Acidified foods, to not require date marking. Although, other canned food items that are manufactured per both 21 CFR 110 and 114 are not included in the list of exemptions. Therefore, it is unclear in the Food Code whether or not food items that are typically known to be acidified or naturally acidic such as fruit juices, canned food vegetables and fruit (olives, jalapenos, pepper rings, etc), and mixed products (salsa, salad dressings, ketchup) labeled as "Keep Refrigerated After Opening" require date marking. The retail food industry and regulators do not have a method to determine whether a food labeled with "Refrigerate after opening" is a quality or safety issue without further proof that these foods meet the Food Code Table A or B under Time/Temperature Control for safety.

Public Health Significance:

With new manufacturing processes, recipes, and formulations, it is not always clear whether or not a manufactured food is defined as TCS and requires date-marking along with temperature control after opening. This is especially true if the packaging contains directions to "Refrigerate after Opening", making it difficult for regulators during routine inspections to determine whether food require both time and temperature control. To avoid the onus of investigating the quality versus safety of time/temperature control to each individual food establishment, an added exemption for date marking acidified foods is warranted. This would lessen the impact to the retail food industry and the inconsistent regulations of these types of food items. The Food Code already exempts certain food items such as deli salads, hard cheeses, semi-soft cheeses, cultured dairy products,

preserved fish products, and other dry fermented or salt-cured meats, which all still require temperature control. Adding Food items that have been prepared and packaged per CFR 114 in a Food Processing Plant inspected by a Regulatory Authority to the date marking exemption would be of no greater public health threat than the previously listed food items under 3-501.17 (G)

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined):

Section 3-501.17 (G):

(G) Paragraph (B) of this section does not apply to the following FOODS prepared and PACKAGED by a FOOD PROCESSING PLANT inspected by a REGULATORY AUTHORITY:

(1) Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, manufactured in accordance with 21 CFR 110 Currentgood manufacturing practice in manufacturing, packing, or holding human food;

(2) Hard cheeses containing not more than 39% moisture as defined in 21 CFR 133 Cheeses and related cheese products, such as cheddar, gruyere, parmesan and reggiano, and romano;

(3) Semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture, as defined in 21 CFR 133 Cheeses and related cheese products, such as blue, edam, gorgonzola, gouda, and monterey jack;

(4) Cultured dairy products as defined in 21 CFR 131 Milk and cream, such as yogurt, sour cream, and buttermilk;

(5) Preserved FISH products, such as pickled herring and dried or salted cod, and other acidified FISH products defined in 21 CFR 114 Acidified foods;

(6) Shelf stable, dry fermented sausages, such as pepperoni and Genoa; and

(7) Shelf stable salt-cured products such as prosciutto and Parma (ham).

(8) Packaged acidified food items, such as salad dressings, salsas, fruits, vegetables, etc. that have been manufactured in accordance with 21 CFR 114 Acidified Foods.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-030

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

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Issue History:

This is a brand new Issue.

Title:

Amend Food Code – Clarify sprouting as a specialized process

Issue you would like the Conference to consider:

A recommendation is being made to change the 2013 FDA Food Code Section 3-502.11 (H) to include a clarification on sprouting that requires a variance and Hazard Analysis Critical Control Point (HACCP) plan.

The FDA Food Code Section 3-502.11 discusses specialized processing methods that require a variance from the regulatory authority. A clarification on what is considered "sprouting seeds or beans" is needed to provide both industry and regulatory personnel guidance on proceeding with variance submittal and HACCP Plan development.

Public Health Significance:

The FDA Food Code Annex 3 explains the rationale for FDA Food Code Section 3-502.11 by stating: "specific food processes that require a variance have historically resulted in more foodborne illness than standard processes." Also, these methods require specialized equipment or knowledge by food employees to be done safely, and can present a significant health risk if not done properly[1]. When a variance is required, the FDA Food Code Section 8-201.13 states that a HACCP Plan must be prepared by the permit applicant or permit holder and approved by the regulatory authority. Creation of HACCP Plans by food service establishments can be costly[2], and therefore it is important to eliminate confusion regarding sprouting which requires a HACCP Plan.

Consumption of seed sprouts is a growing trend among the public, with raw seed sprouts being served on many restaurant menus for decades. Raw seed sprouts from manufacturers have been linked to many foodborne illness outbreaks[3]. The contamination seems to come from the seed itself and the dark, warm growing conditions that are present for growth[3, 4]. Because of this, producers of raw seeds sprouts have taken steps to eliminate contamination prior to sproutng[3]. Microgreens are also growing in popularity among high end restaurants, and because they can be grown quickly in small quantities[5], could be produced by the food service establishment for use. Microgreens are grown in soil

and require light to grow[4], which is different from the growing conditions for a raw seed sprout. This means that the high risk associated with the growth of raw seed sprouts would not be the same as the growth of microgreens.

Both microgreens and raw seed sprouts would meet the dictionary definition of sprouting, which is "to produce new leaves[6]." Clarifying that this only applies to sprouting that is done from a raw seed sprout and not microgreens would help to eliminate the development and review of unnecessary HACCP Plans. The clarification needs to be made that the sprouting would be considered a special process only when the intention is for the seed itself to be consumed, since that is where the potential contamination is found.

References:

1. "Annex 3." FDA 2013 Food Code. College Park, MD: U.S. Dept. of Health and Human Services, Public Health Service, Food and Drug Administration, 2013. 465. Print.

2. Sharma, A., Roberts, K., & Seo, K. 2010. HACCP Cost Analysis in Retail Food Establishments. Food Protection Trends.

3. Thompson, S., Powell D.A. Risks Associated With The Consumption of Fresh Sprouts. Food Safety Network Technical Report # 16. July, 2000

4. R. Holmer, G. Linwattana, P. Nath, J.D.H. Keatinge, eds. High Value Vegetables in Southeast Asia: Production, Supply and Demand. AVRDC-WorldVegetableCenter, 2013.

5. Treadwell, D., Hochmuth, R., Landrum, L., Laughlin W. Microgreens- A New Specialty Crop. Florida Cooperative Extension Service. April 2010.

6. Sprout [def.1]. In *Marriam-Webster Online*. Retrieved January 8, 2016. http://www.merriam-webster.com/dictionary/sprout.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA recommending the 2013 Food Code be amended to include clarifying language for "sprouting seeds or beans." Recommended language to read (new language is underlined):

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]

(H) Sprouting seeds or beans <u>for the purpose of human consumption of both the seed and the sprout, as in raw seed sprouts.</u>

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Supporting Attachments:

- "Microgreens- A New Specialty Crop"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-031

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

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Issue History:

This is a brand new Issue.

Title:

Amend Food Code – Include Definition for Curing

Issue you would like the Conference to consider:

A recommendation is being made to change the 2013 FDA Food Code Section 1-201.10 (B) to include a definition for "curing."

The FDA Food Code Section 3-502.11 discusses specialized processing methods that require a variance from the regulatory authority. A clear definition of what is considered "curing" is needed to provide both industry and regulatory personnel guidance on proceeding with variance submittal and HACCP Plan development.

Public Health Significance:

The FDA Food Code Annex 3 explains the rationale for FDA Food Code Section 3-502.11 by stating: "specific food processes that require a variance have historically resulted in more foodborne illness than standard processes." Also, these methods require specialized equipment or knowledge by food employees to be done safely, and can present a significant health risk if not done properly[1]. When a variance is required, the FDA Food Code Section 8-201.13 states that a HACCP Plan must be prepared by the permit applicant or permit holder and approved by the regulatory authority. Creation of HACCP Plans by food service establishments can be costly[2], and therefore it is important to eliminate confusion regarding curing which requires a HACCP Plan.

Confusion results from products which may be considered "cured" to establishments due to the addition of curing salt or sodium nitrate but are kept otherwise within the time/temperature parameters outlined in the FDA Food Code Sections 3-501.16 and 3-501.17. The Code of Federal Regulations describes in 21CFR172.175 acceptable levels of sodium nitrite (200 parts per million) and sodium nitrate (500 parts per million) for use as a food additive. Because these products are allowable under 21CFR172.175, the addition of sodium nitrate or sodium nitrite with no other variation in the time/temperature parameters of the FDA Food Code would be regulated as Protection from Unapproved Additives, FDA Food Code Section 3-302.14, and would also be held to the requirements of FDA Food

Code Sections 3-202.12 Additives. Clarification needs to be provided in the FDA Food Code so that food establishments using sodium nitrite or sodium nitrate as a food additive only, without using it for true food preservation, do not use unnecessary resources on HACCP Plan development.

The FDA Food Code Annex 6 describes the process of curing in terms of food processing criteria. United States Department of Agriculture (USDA) has a widely accepted definition of curing that is used for their regulations[3]. This definition is used throughout resources for food establishments[4,5]. Additionally, the use of natural nitrate and nitrites from vegetable powders and juices should be considered in the definition of curing due to the increase popularity of natural foods[6].

References:

1. "Annex 3." FDA 2013 Food Code. College Park, MD: U.S. Dept. of Health and Human Services, Public Health Service, Food and Drug Administration, 2013. 465. Print.

2. Sharma, A., Roberts, K., & Seo, K. 2010. HACCP Cost Analysis in Retail Food Establishments. Food Protection Trends.

3. "What Is Curing?" *Ask Karen*. FSIS USDA, 26 Mar. 2009. Web. 28 Dec. 2015.

4. Forest JC, Aberle ED, Hedrick HB, Judge MD, Merkel RA. Principle of meat science. San Francisco: Freeman; 1975.

5. B.A. Nummer and Andress, E.L. 2002. Curing and Smoking Meats for Home Food Preservation Literature Review and Critical Preservation Points. Athens, GA: The University of Georgia, Cooperative Extension Service.

6. Sebranek, Joseph G., Bacus, James N. 2007. Cured meat products without direct addition of nitrate or nitrite: what are the issues? Meat Science.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA recommending the 2013 Food Code be amended to include a new definition under Section 1-201.10 for "curing." Recommended language to read (new language underlined):

1-201.10 Statement of Application and Listing of Terms

(B) Terms Defined As used in this Code, each of the terms listed in ¶ 1-201.10(B) shall have the meaning stated below.

<u>"Curing" means the addition of salt, nitrates or nitrites (either manufactured or naturally occurring), for preservation, color development, and flavor.</u>

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Supporting Attachments:

- "Cured meat products without direct addition of nitrate or nitrite: what are"

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-032

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

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Issue History:

This is a brand new Issue.

Title:

Amend Food Code Annex – Clarifying ROP of fish requirements

Issue you would like the Conference to consider:

A recommendation is being made to clarify the requirements of reduced oxygen packaging (ROP) of fish that does not require a variance as described in 3-502.12 (C).

The 2013 FDA Food Code Section 3-502.12 discusses ROP of fish that does not require a variance. The public health rationale in FDA Food Code Annex 3 needs to clarify what "after packaging" means and why fish packaged using ROP methods in a retail establishment should not be sold that way to the consumer.

Public Health Significance:

The FDA Food Code Annex 3 explains the rationale for FDA Food Code Section 3-502.12 that "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[1]." For this reason, ROP has become a very popular method of packaging in retail food establishments. Most raw animal foods require a HACCP Plan only, and not a variance, because high levels of competing microorganisms help to control hazards of concern, mainly Listeria monocytogenes. However, ROP of raw fish has additional requirements for storage because of the presence of non-proteolytic C*lostridium botulinum* type E in marine environments. This type of C*lostridium botulinum* can grow at temperatures as low as 37-38F[2]. Given the potency of the toxin that would be created, food products where C*. botulinum* type E is reasonably likely to occur must be stored at frozen temperatures.

The Fish and Fisheries Products Hazard Controls Guidance document outlines that storage temperature for fish products should not exceed 38F at any point while the food is in the reduced oxygen environment. This document also acknowledges that "surveys of home refrigerators indicate that temperatures can exceed 50F[2]." Also, the FDA Food Code Annex 3 describes the need for retail food establishments to remove fish from ROP packaging before thawing when temperature (freezing) of the fish serves as the only barrier to non-

proteolytic C*. botulinum* type E growth[1]. This logic can also be applied to ROP fish that is packaged in the retail food establishment.

There is some difference in interpretation among readers about the meaning of FDA Food Code Section 3-502.12 (C) "Except for FISH that is frozen before, during, and after PACKAGING, a FOOD ESTABLISHMENT may not PACKAGE FISH using a REDUCED OXYGEN PACKAGING method." The term "after PACKAGING" has been interpreted as only immediately after packaging by some food service operators, leading to misunderstanding about what is allowed per the FDA Food Code. In order to reduce the risk of C*. botulinum* toxin production, ROP fish packaged at a retail level should not be sold directly to the consumer in ROP form. Furthermore, food service employees need to be clear that fish packaged in the food establishment using ROP must be removed from the ROP environment prior to thawing. Stating this clearly in the FDA Food Code Annex 3 for Section 5-502.12 will reduce confusion among industry and regulatory personnel.

References:

1. "Annex 3." FDA 2013 Food Code. College Park, MD: U.S. Dept. of Health and Human Services, Public Health Service, Food and Drug Administration, 2013. 465. Print.

2. Fish and Fishery Products Hazards and Controls Guidance Fourth Edition. College Park, MD: U.S. Dept. of Health and Human Services, Public Health Service, Food and Drug Administration, 2011.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA recommending the 2013 Food Code Annex 3, Section 3-502.12 be amended to include clarifying language for "after packaging." Recommended language to read (new language is underlined):

3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria

Reduced Oxygen Packaging with Fish

Unfrozen raw fish and other seafood are specifically excluded from ROP at retail because of these products' natural association with non-proteolytic C. botulinum (primarily type E) which grows at 3°C (37-38°F). ROP of fish and seafood that are frozen before, during and after the ROP packaging process does not present this hazard. Fish that has been packaged using an ROP method must be removed from the ROP package before thawing process begins in order to fully satisfy the requirement of frozen "after ROP". Due to the fact the food establishment cannot verify that the fish would remain frozen until removed from the package once the product is sold to the consumer, fish that has been packaged using an ROP method must not be sold directly to consumers in the packaging.

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Issue: 2016 III-033

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

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Issue History:

This is a brand new Issue.

Title:

Fish Advisory Committee

Issue you would like the Conference to consider:

The FDA recognizes the need to inform consumers of the risk of foodborne illness through the consumption of raw or undercooked meats, poultry, seafood, shellfish, or eggs. They further stipulate consumers should be aware of the eight major allergens that may be contained within a food item. However, it is evident the potential dangers of consuming the chemical contaminates found in certain fish and seafood products is not covered in the Food Code. Currently there is a push by consumers and the US Government to consider sustainable and healthy eating when deciding upon your meal. These farm to fork initiatives influence the consumption habits of consumers that may not be aware of local fish consumption advisories

Public Health Significance:

Toxic substances, such as polychlorinated byphenyls (PCBs), dioxins and methyl mercury can accumulate in the fat or muscle of certain species of fish. Over-consumption of these contaminants may result in chronic debilitating health issues and can potentially be fatal. Our most vulnerable populations, children, children in utero and immune compromised individuals can be in jeopardy of chronic illness or death if accumulation of these toxins occurs. It is quite possible that every day consumers of fish are not receiving the species-specific fish consumption advisories provided for fish caught in individual bodies of water to determine safe consumption practices.
The EPA and FDA agree consumption of certain species of fish and shellfish can result in adverse health effects, therefore they recommend consulting fish and shellfish consumption advisories. However, when dining out or purchasing products to prepare at home, these advisories are not typically available. The point of purchase is the best opportunity to inform consumers that are unaware of the risks of consumption of certain fish products. The only other option to prevent chemical contamination is to assume all consumers have taken the initiative to educate themselves on the dangers of the

consumption of all seafood provided in the restaurant or grocery store where they happen to be shopping.

Recommended Solution: The Conference recommends...:

that a committee be created to discuss, analyze, and make recommendations advising consumers of potential risks associated with chemical contaminants in fish. Committee charges are as follows:

1) Compare existing EPA/FDA guidance on chemical contaminates found in species of fish/fish products.

2) Develop a guidance document that can be easily interpreted by the average consumer; document to include but not be limited to the potential risk for chemical contamination.

3) Determine if a point of sale consumer advisory is needed for fish and fish products

4) Recommend revised Food Code language.

5) Report back the committee's recommendations and findings to the 2018 Biennial Meeting.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-034

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

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Issue History:

This is a brand new Issue.

Title:

Reducing the need for HACCP Plans Under 3-502.12

Issue you would like the Conference to consider:

Re-evaluate the list of foods and activities that require a variance and Hazard Analysis Critical Control Point (HACCP) plan for reduced oxygen packaging in Section 3-502.12 of the 2013 FDA Food Code and remove foods that do not present a hazard that is likely to occur for *Clostridium botulinum* and *Listeria monocytogenes* growth.

Public Health Significance:

The removal of raw meats and raw poultry, hard and semi-soft cheeses, and shelf stable products from the list of foods that require a HACCP plan and variance will be beneficial to both the regulated food establishment and the regulatory authority, without increasing the risk of foodborne illness.

Most foodborne pathogens do not compete well with the other microorganisms. So foods such as raw meat, raw poultry and raw vegetables, that have a high level of spoilage organism do not present a significant hazard from *Clostridium botulinum* or *Listeria monocytogenes*. As identified in the Annex of the Food Code hard, pasteurized and semisoft cheeses "contain various intrinsic factors, often acting synergistically, that together act as a secondary barrier to pathogen growth along with refrigerated storage at 5°C or less...Very few outbreaks have occurred that were associated with cheese."

In foods that are shelf stable (non-time/temperature controlled for safety food) by Table B in the Food Code, *Clostridium botulinum* or *Listeria monocytogenes* are controlled by low water activities, low pH values, or a combination of lower water activities and low pH.

The USDA considers the use of reduced oxygen packaging a protective practice, one that prevents cross contamination between workers and the establishment and the food.

Foods such as raw meats, raw poultry, raw vegetables, hard cheeses, semi soft cheese, and shelf stable foods pose very low risk once they are reduce oxygen packaged at retail. Unnecessary HACCP plans and variances are cumbersome and time consuming for both

the regulatory authority and the food establishment. A reduction in the paper work resulting in stream lining of this process would allow regulators and food establishments alike to focus on higher risk activities.

If *Clostridium botulinum* or *Listeria monocytogenes* are controlled then the risk is low for reduced oxygen packaging

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (new language is underlined;language to be deleted is in strikethrough format)*:*

Section 3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria.

(A) Except for a FOOD ESTABLISHMENT that obtains a VARIANCE as specified under § 3-502.11, a FOOD ESTABLISHMENT that PACKAGES TIME/TEMPERATURE CONTROL FOR SAFETY FOOD using a REDUCED OXYGEN PACKAGING method shall control the growth and toxin formation of *Clostridium botulinum* and the growth of *Listeria monocytogenes.* [p]

(B) Except as specified under (F) of this section, a FOOD ESTABLISHMENT that PACKAGES TIME/TEMPERATURE CONTROL FOR SAFETY FOOD using a REDUCED OXYGEN PACKAGING method shall implement a HACCP PLAN that contains the information specified under 8-201.14 (B) and (D) and that: [pf]

(1) Identifies the FOOD to be PACKAGED; [pf]

(2) Except as specified under (C) -(E) of this section, requires that the PACKAGED FOOD shall be maintained at 5°C (41°F) or less and meet at least one of the following criteria: [pf]

(a) Has an AW of 0.91 or less, [pf]

(b) Has a PH of 4.6 or less, [pf]

(c) Is a MEAT or POULTRY product cured at a FOOD PROCESSING PLANT regulated by the USDA using substances specified in 9 CFR 424.21, Use of food ingredients and sources of radiation, and is received in an intact PACKAGE, [pf] or

~~(d) Is a FOOD with a high level of competing organisms such as raw MEAT, raw POULTRY, or raw vegetables;~~[pf]

(3) Describes how the PACKAGE shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to: [pf]

(a) Maintain the FOOD at 5°C (41°F) or below,[pf] and

(b) Discard the FOOD if within 30 calendar days of its PACKAGING if it is not served for on-PREMISES consumption, or consumed if served or sold for off-PREMISES consumption; [pf]

(4) Limits the refrigerated shelf life to no more than 30 calendar days from PACKAGING to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first; [p]

(5) Includes operational procedures that:

(a) Prohibit contacting READY-TO-EAT FOOD with bare hands as specified under 3-301.11(B),[pf]

(b) Identify a designated work area and the method by which: [pf]

(i) Physical barriers or methods of separation of raw FOODS and READY-TO-EAT FOODS minimize cross contamination,[pf] and

(ii) Access to the processing EQUIPMENT is limited to responsible trained personnel familiar with the potential HAZARDS of the operation, [pf]and

(c) Delineate cleaning and SANITIZATION procedures for FOOD-CONTACT SURFACES; and

(6) Describes the training program that ensures that the individual responsible for the REDUCED OXYGEN PACKAGING operation understands the:

(a) Concepts required for a safe operation, [pf]

(b) EQUIPMENT and facilities, [pf]and

(c) Procedures specified under Subparagraph (B)(5) of this section and 8-201.14 (B) and (D). [pf]

(7) Is provided to the REGULATORY AUTHORITY prior to implementation as specified under ¶ 8-201.13(B).

(C) *Except for FISH that is frozen before, during, and after PACKAGING*, a FOOD ESTABLISHMENT may not PACKAGE FISH using a REDUCED OXYGEN PACKAGING method. [p]

(D) Except as specified under (C) and (F) of this section, a FOOD ESTABLISHMENT that PACKAGES TIME/TEMPERATURE CONTROL FOR SAFETY FOOD using a cook-chill or sous vide process shall:

(1) Provide to the REGULATORY AUTHORITY prior to implementation, a HACCP PLAN that contains the information as specified under 8-201.14 (B) and (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 (A), (B), and (C), [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: [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;

(ii) Held at 5°C (41°F) or less for no more than 7 days, at which time the FOOD must be consumed or discarded; or [p]

(iii) Held frozen with no shelf life restriction while frozen until consumed or used. [p]

(f) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily, [pf]

(g) If transported off-site to a satellite location of the same business entity, equipped with verifiable electronic monitoring devices to ensure that times and temperatures are monitored during transportation, [pf] and

(h) Labeled with the product name and the date PACKAGED; [pf] and

(3) Maintain the records required to confirm that cooling and cold holding refrigeration time/temperature parameters are required as part of the HACCP PLAN and:

(a) Make such records available to the REGULATORY AUTHORITY upon request, [pf] and

(b) Hold such records for at least 6 months; [pf] and

(4) Implement written operational procedures as specified under Subparagraph (B) of this section and a training program as specified under Subparagraph (B)(6) of this section. [pf]

~~(E) Except as specified under (F) of this section, a FOOD ESTABLISHMENT that PACKAGES cheese using a REDUCED OXYGEN PACKAGING method shall:~~

~~(1) Limit the cheeses PACKAGED to those that are commercially manufactured in a FOOD PROCESSING PLANT with no ingredients added in the FOOD ESTABLISHMENT and that meet the Standards of Identity as specified in 21 CFR 133.150 Hard cheeses, 21 CFR 133.169 Pasteurized process cheese or 21 CFR 133.187 Semisoft cheeses;~~

~~(2) Have a HACCP PLAN that contains the information specified under 8-201.14 (B) and (D) and as specified under (B)(1), (B)(3)(a), (B)(5) and (B)(6) of this section;~~

~~(3) Labels the PACKAGE on the principal display panel with a "use by" date that does not exceed 30 days from its packaging or the original manufacturer's "sell by" or "use by" date, whichever occurs first; and~~

~~(4) Discards the REDUCED OYGEN PACKAGED cheese if it is not sold for off-PREMISES consumption or consumed within 30 calendar days of its PACKAGING.~~

(E)~~(F)~~ A HACCP Plan is not required when a FOOD ESTABLISHMENT uses a REDUCED OXYGEN PACKAGING method to PACKAGE ~~method to package time/temperature control for safety food that is always~~:

(1)~~Labeled with the production time and date~~, A FOOD with a high level of competing organisms such as raw MEAT, raw POULTRY, or raw vegetables

(2) ~~Held at 5°C (41°F) or less during refrigerated storage, and~~ Cheese

(i) Limit the cheeses PACKAGED to those that are commercially manufactured in a FOOD PROCESSING PLANT with no ingredients added in the FOOD ESTABLISHMENT and that meet the Standards of Identity as specified in 21 CFR 133.150 Hard cheeses, 21 CFR 133.169 Pasteurized process cheese or 21 CFR 133.187 Semisoft cheeses;

(ii) Labels the PACKAGE on the principal display panel with a "use by" date that does not exceed 30 days from its packaging or the original manufacturer's "sell by" or "use by" date, whichever occurs first; and

(iii) Discards the REDUCED OYGEN PACKAGED cheese if it is not sold for off-PREMISES consumption or consumed within 30 calendar days of its PACKAGING.

(3) ~~Removed from its PACKAGE in the FOOD ESTABLISHMENT within 48 hours after PACKAGING.~~ Non-time temperature controlled for safety foods as defined in Table B (Interaction of pH and Aw for control of vegetative cells and spores in food not heat treated of heat treated but not packaged).

(i) Foods packaged limited to those that are commercially manufactured in a food processing plant with no ingredients added in the Food Establishment that would change the nature of the product.

(ii) Non-time temperature controlled for safety foods as defined by Table B, produced in the Food Establishment in accordance with a Variance submitted to the Regulatory authority in accordance with 3-502.11.

(4) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD *that is always:*

(i) Labeled with the production time and date,

(ii) Held at 5°C (41°F) or less during refrigerated storage, and

(iii) Removed from its PACKAGE in the FOOD ESTABLISHMENT within 48 hours after PACKAGING.

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Conference for Food Protection
2016 Issue Form

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This issue was submitted for consideration at a previous biennial meeting, see issue: 2014, III-023; new or additional information has been included or attached.

Title:

Revise Food Code to be Consistent with FSIS Requirements and Guidance

Issue you would like the Conference to consider:

The Food Safety Inspection Service (FSIS) and Food and Drug Administration (FDA) are submitting a joint issue to revise the Food Code to be consistent with FSIS Requirements and guidance. In this proposal FSIS and FDA are recommending adding a new definition in Chapter 1 to the 2013 FDA Food Code for the term INTACT MEAT and to revise the minimum time and temperatures in § 3-401.11 *Cooking* for meat and poultry products to reflect FSIS cooking guidance. Making the Food Code instructions consistent with FSIS regulatory framework and cooking guidance will decrease confusion and help ensure that the products are cooked properly to destroy pathogens that could cause foodborne illness.

FSIS previously submitted this issue in 2010, and the conference recommended that FSIS and FDA work together to bring a proposal to the 2014 meeting to harmonize cooking times and temperatures. The issue was also submitted in 2014, and no action was taken because the conference said that there was no specific request at that time. Since 2014, FSIS and FDA have worked together to develop a joint issue to provide specific recommendations to harmonize the cooking times and temperatures.

Public Health Significance:

The FDA Food Code § 3-401.11(A)(1) applies to fish and meat, including game animals, and specifies that the products can be cooked to 63°C (145°F) for 15 seconds. This time and temperature combination is only appropriate for intact portion cuts of meat, because the contamination is expected to be on the outside of the product, so the product should be safe if the external surface is cooked to 145°F (National Advisory Committee on Microbiological Criteria for Foods, 1997). Although there are exceptions in § 3-401.11(A)(2) for non intact products (mechanically tenderized, injected, or comminuted), it is not clear that the instructions in § 3-401.11(A)(1) only apply to intact products. Therefore FSIS and FDA recommend a new definition for the word INTACT MEAT as follows:

"Intact meat" means a cut of whole muscle(s) MEAT that has not undergone comminution, injection, mechanical tenderization, or reconstruction.

Adding this new definition to the FDA Food Code will clarify which instructions apply to intact meat and which apply to non-intact meat. Making these clarifications would alleviate confusion and ensure that retailers cook meat products using the proper times and temperatures to ensure food safety.

Section 3-401.11(A)(2) applies to mechanically tenderized meats and specifies that they should be cooked at 68°C (155°F) for 15 seconds. However, according to the FSIS Guidance on Safe Cooking of Non-Intact Meat Chops, Roasts, and Steaks, non-intact products should be held at 68°C (155°F) for 17 seconds. Other time and temperature combinations in the table in § 3-401.11(A)(2) would also provide a 5-log reduction of *Salmonella* in these products. Therefore, FSIS and FDA recommend that the time the product is held is increased from 15 seconds to 17 seconds to be consistent with the table, and the other time and temperature combinations from the table in the FSIS guidance are provided in the Annex.

Section 3-401.11(A)(3) applies to poultry products and recommends that they are cooked at 74°C (165°F) or above for 15 seconds. According to the FSIS guidance in the Time-Temperature Tables for Cooking Ready-to-Eat (RTE) Poultry Products, poultry products can be cooked to 74°C (165°F) instantaneous to achieve a 7-log reduction of *Salmonella*. Therefore, FSIS and FDA recommend deleting the 15 second dwell time from the minimum criteria specified in that subparagraph and changing it to instantaneous. This change is also consistent with CFP Issue # 2002-I-33, which recommended that USDA and FDA work together to establish instantaneous cooking temperatures for animal products that have minimum dwell time of 15 seconds. In addition, FSIS and FDA recommend that retailers have the option of cooking poultry products using the additional time and temperature combinations in the FSIS poultry tables and adding this information in the Food Code Annex.

Section 3-401.11(B) applies to roast beef, corned beef and other products and indicates that they should be cooked using the time and temperature combinations in the table titled "Oven Temperature Based on Roast Weight." These time and temperature combinations are from FSIS Appendix A and achieve a 6.5-log reduction of *Salmonella,* however only some of the time and temperature options have been provided. FSIS and FDA recommend that all of the time temperature options from Appendix A are provided in the Annex.

References:

NACMCF, 1997. Recommendations for Appropriate Cooking Temperatures for Intact Beef Steaks & Cooked Beef Patties for the Control of Vegetative Enteric Pathogens. U.S. Department of Agriculture, Food Safety and Inspection Service, Washington, DC.

FSIS Guidance on Safe Cooking of Non-Intact Meat Chops, Roasts, and Steaks, found at: http://www.fsis.usda.gov/wps/wcm/connect/bb25d746-dcb0-4d1b-8833-c4bf1ceb1140/5-log-Temperature-Time-Table-Salmonella.pdf?MOD=AJPERES

Appendix A. Compliance Guidelines for Meeting Lethality Performance Standards For Certain Meat And Poultry Products, found at: http://www.fsis.usda.gov/wps/wcm/connect/212e40b3-b59d-43aa-882e-e5431ea7035f/95033F-a.pdf?MOD=AJPERES

Time-Temperature Tables for Cooking Ready-to-Eat Poultry Products, found at: http://www.fsis.usda.gov/wps/wcm/connect/9ab2e062-7ac8-49b7-aea1-f070048a113a/RTE_Poultry_Tables.pdf?MOD=AJPERES

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA recommending that the 2013 FDA Food Code be modified to reflect the following (language to be added is underlined):

1. Provide a new definition in Chapter 1 Purpose and Definitions for the term INTACT MEAT to read: <u>"Intact meat" means a cut of whole muscle(s) MEAT that has not undergone comminution, injection, mechanical tenderization, or reconstruction.</u>
2. Clarify which criteria apply to INTACT MEAT (cook to 145°F for 15 sec internal temperature).
3. Revise the minimum cooking temperature that applies to mechanically tenderized and injected meats, from 155°F for 15 seconds to 155°F for 17 seconds.
4. Revise the minimum cooking temperature that applies to poultry from 165°F for 15 seconds to 165°F instantaneous.
5. Provide additional time/temperature combinations from Appendix A, the FSIS Guidance on Safe Cooking of Non-Intact Meat Chops, Roasts, and Steaks and the Time-Temperature Tables for Cooking Ready-to-Eat Poultry Products in the Food Code Annexes.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-036

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

“Intended Use” for Raw Beef Source Materials

Issue you would like the Conference to consider:

Federally inspected meat establishments produce whole-muscle, intact beef such as beef primal and subprimal cuts and identify their "intended use" for further preparing or processing into intact or non-intact beef products such as comminuted or mechanically tenderized beef (Refer to Chapter 1 of the 2013 FDA Food Code for definitions). They are required to identify the intended use for consumers of the finished product according to federal Hazard Analysis Critical Control Point (HACCP) regulations 9 CFR 417.2(a)(2). (http://www.fsis.usda.gov/OPPDE/rdad/FRPubs/99-060Npm.htm). Because of these regulations, beef producing establishments have an incentive to communicate and follow-up on how their beef products are used further down the supply chain in order to properly support their HACCP systems. It would also be in the retail facility's best interest to honor the producer's intended use, to avoid possible outbreaks from the product.

Retail establishments can be informed of the intended use from the supplying federal beef establishment in the following ways:

- A letter of intended use available on the supplying federal establishment's company website and references to the letter of intended use on the bills of lading.
- Federally inspected establishments may request that the retail establishment provide letters of guarantee showing that all beef product is used in raw intact product only and maintains on-going communication to verify that all beef product is being processed as raw intact product only.
- A contractual agreement with the receiving firm so the firm has knowledge of the supplying federal establishment intended use or facility's production process.
- Federally inspected establishments may use designated codes to identify the intended use of their production lots.

References:

AskFSIS: http://askfsis.custhelp.com/app/answers/detail/a_id/1884/~/adequate-support-for-the-intended-use-of-beef-primal-and-subprimal-cuts

Public Health Significance:

Since 2008, USDA Food Safety and Inspection Service (FSIS) has noted at least five foodborne illness investigations that involve retail establishments grinding beef that was not intended for grinding. Four of these investigations include illnesses due to *E. coli* O157:H7, while one involved *Salmonella typhimurium* infections. In at least one case, although the intended use was communicated to the retail facility by means of a description on the product invoice, it is unknown whether the store personnel conducting the grinding were aware of the intended use designation or understood the risks and impact associated with producing ground beef from products not intended for grinding.

FSIS has declared Shiga toxin-producing E-coli (STEC) an adulterant only in raw non-intact beef and raw intact beef intended for non-intact use, and as a result, establishments apply more stringent process controls for STEC in beef source materials for non-intact use. Large establishments typically verify these controls through robust lot-by-lot microbiological testing of ground beef source materials. FSIS inspectors also perform specific inspection tasks to verify the establishment's STEC controls.

These additional food safety measures help to mitigate the public health risk of raw non-intact beef to consumers. As a result, when product that was intended for intact beef use ends up as source material in raw non-intact beef products at retail, the food safety measures are undermined. Beef product intended for raw intact beef use typically does not have the benefit of routine FSIS sampling or stringent process controls applied by establishments to control STEC.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that the 2013 FDA Food Code be amended as follows (new language underlined):

3-201.11 Compliance with Food Law

(F) WHOLE-MUSCLE INTACT BEEF that is, further processed in a FOOD ESTABLISHMENT and provided information stating that WHOLE-MUSCLE INTACT BEEF are intended for intact use only or not intended for non-intact use, shall be prepared so that it remains INTACT.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-037

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

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Issue History:

This is a brand new Issue.

Title:

Creation of a Mail-Order Food Safety Committee

Issue you would like the Conference to consider:

Many consumers purchase meat, poultry, seafood and other products over the internet and these products are shipped by mail directly to their homes. Although the products are typically packaged with gel packs or dry ice, research has shown they have the potential to be temperature abused (see public health significance below). Therefore, there is a need to provide targeted guidance for food establishments (as defined in the FDA Food Code) that produce perishable food products and ship them to consumers by mail (e.g., by air, ground, or other forms of transport).

A committee should be created to develop guidance addressing proper packaging of products shipped by mail, temperature control during delivery, availability of food safety information, returning compromised and abused products, and other related topics.

Public Health Significance:

The primary challenge when shipping perishable food items is to maintain proper temperatures during steps such as transportation, delivery, and storage. A study by Hallman et. al. found that only 5% of retailers that sell raw meat, poultry and seafood products over the internet require customer signatures upon delivery. This practice may allow packages to be subjected to temperature abuse if proper temperature control is not maintained upon delivery. In addition, more than half (58%) of the retailers studied provided no food safety information on their websites, which could lead to an increased risk for foodborne illness.

The Food Safety and Inspection Service (FSIS) has issued a *Mail Order Food Safety Fact Sheet* for consumers, but it has not developed specific guidance for retailers that ship products by mail. In addition, FSIS has issued the *"FSIS Safety and Security Guidelines for the Transportation and Distribution of Meat, Poultry, and Egg Products"* and the Food and Drug Administration (FDA) has issued *"Guidance for Industry: Sanitary Transportation of*

Food," however these guidelines do not address transportation of perishable products through the mail.

Specific guidance is needed to address the transportation of perishable food items that are produced at retail food establishments and transported by mail. Although FSIS or the FDA could independently issue revised transportation guidance documents, it is recommended that a CFP committee be formed so that experts from government, state and local health departments, industry, and consumer groups can provide practical recommendations that are most likely to be effective and implemented within the industry.

References:

FSIS Mail Order Food Safety Fact Sheet, found at:
http://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/safe-food-handling/mail-order-food-safety/ct_index

FSIS Safety and Security Guidelines for the Transportation and Distribution of Meat, Poultry, and Egg Products, found at:
http://www.fsis.usda.gov/shared/PDF/Transportation_Security_Guidelines.pdf

FDA Guidance for Industry: Sanitary Transportation of Food, found at:
http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/SanitationTransportation/ucm208199.htm

Hallman, W. K., Senger-Mersich, A., and S. Godwin. Online Purveyors of Raw Meat, Poultry, and Seafood Products; Delivery Policies and Available Consumer Food Safety Information. Food Protection Trends, Vol35, No. 2, p. 80-88.

Recommended Solution: The Conference recommends...:

that a Mail-Order Food Safety Committee be created composed of members from all constituencies in the CFP. The Committee will be charged with:

1. Identifying best practices and existing guidance documents that relate to transportation of perishable food items by mail.
2. Developing a guidance document for food establishments that includes best practices for transportation of perishable products, to include proper packaging; temperature control during shipping, receiving, and storage; return of compromised and abused products; and other food safety related topics.
3. Determining appropriate methods of sharing the committee's work, including but not limited to a recommendation that a letter be sent to FDA requesting that the Food Code, Annex 2 (References, Part 3-Supporting Documents) be amended by adding references to the new guidance document as well as any existing guidance documents that the committee recommends, and the posting of information on the CFP website.
4. Reporting the committee's findings and recommendations to the 2018 Biennial Meeting of the Conference for Food Protection.

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Conference for Food Protection
2016 Issue Form

Issue: 2016 III-038

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

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Issue History:

This is a brand new Issue.

Title:

Use of pre-formulated sanitizing solutions

Issue you would like the Conference to consider:

Add a new paragraph to the 2013 FDA Food Code Section 4-302.14 that states the availability of a test kit or other device, currently specified in this section, does not apply to pre-formulated hard food-contact surface sanitizing solutions.

Public Health Significance:

Section 7-204.11 *Sanitizers, Criteria* of the 2013 FDA Food Code states that chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements specified in 40 CFR (Code of Federal Regulations) 180.940 *Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface sanitizing solutions)* or 40 CFR 180.2020 *Non-food Determinations.* Section 4-501.114 *Manual and Mechanical Warewashing Equipment, Chemical Sanitization - Temperature, pH, Concentration and Hardness* indicates that a chemical sanitizer used in a sanitizing solution shall be used in accordance with the U.S. Environmental Protection Agency (EPA) labeling requirements, among other things.

For most sanitizing solutions, a minimum and maximum concentration of the active ingredient has been established. It is specified to ensure sanitizer efficacy and to prevent excessive exposure at a concentration level that exceeds an established maximum concentration and minimize any environmental impact. Food establishment operators use test kits to routinely measure the concentration of sanitizing solutions to ensure they are prepared at the proper use concentration and that the minimum labeled concentration is maintained throughout the sanitizing solution's use as specified in the manufacturer's directions for use.

Currently, Section 4-302.14 *Sanitizing Solutions, Testing Devices* states that a testing kit or other device that accurately measures the concentration of a sanitizing solution shall be provided. However, FDA recognizes that when EPA-registered pre-formulated hard food-contact surface sanitizing solutions are used in accordance to their label instructions, the

need to ensure the concentration of the active ingredient through a testing kit or other device is not necessary.

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA requesting the 2013 Food Code be amended by adding a new paragraph to Section 4-302.14 as follows (language to be added is underlined; language to be deleted is in strikethrough format):

4-302.14 Sanitizing Solutions, Testing Devices.

(A) Except as specified under ¶(B) of this section, a test kit or other device ~~that~~ shall be provided to accurately measure~~s~~ the concentration in mg/l of sanitizing solutions ~~shall be provided~~. [Pf]

(B) The availability of a test kit or other device specified under ¶(A) of this section, does not apply to pre-formulated sanitizing solutions that are ready-to-use, not diluted or mixed in the food establishment, and are sprayed directly onto food contact surfaces.

Note: italic font is consistent with Food Code formatting; it offers an exception or another possibility and is pursuant to a preceding provision that states a requirement (exception to the rule).

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Conference for Food Protection
2016 Issue Form

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

Surface Cleaning of Utensils and Equipment in Contact with Non-TCS Foods

Issue you would like the Conference to consider:

The 2013 FDA Food Code does not address a clear time frame for the cleaning frequency for all food contact surfaces that come in contact with only non Time Temperature Control for Safety (TCS) foods under Section 4-602.11. Under 4-602.11 (E) the cleaning frequency of surfaces of UTENSILS and EQUIPMENT contacting FOOD that is not Time/Temperature Control for Safety Food shall be cleaned:

1. At any time contamination may have occurred
2. At least every 24 hours for iced tea dispensers and CONSUMER self-service UTENSILS such as tongs, scoops or ladles;
3. Before restocking CONSUMER self-service EQUIPMENT and UTENSILS such as condiment dispensers and display containers; and
4. In EQUIPMENT such as ice bins and BEVERAGE dispensing nozzles and enclosed components of EQUIPMENT such as ice makers, cooking oil storage tanks and distribution lines, BEVERAGE and syrup dispensing lines or tubes, coffee bean grinders, and water vending EQUIPMENT...

   This leaves the cleaning of items in the working kitchen areas that only come in contact with Non-TCS food, such as bakery equipment, toast cutting boards, etc., to have no clearly defined time frequency for cleaning and up to both the industry and regulators to determine when contamination has occurred (which is not always observed). The questions is then why are we so specific about Tea dispensers and consumer items, but not working NON-TCS food contact surfaces throughout the kitchen?

Public Health Significance:

The Public Health significance is the same for all food contact surface that come into contact with non-TCS food items, therefore at a minimum they should be cleaned at a

frequency equal to specific items addressed in the Food Code, such as ice tea dispensers and consumer self-service items.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format)*:*

Section 4-602.11

(E) (1) At any time contamination may have occurred;

(2)~~At least every 24 hours for iced tea dispensers and CONSUMER self-service UTENSILS such as tongs, scoops, or ladles~~; throughout the day, at least once every 24 hours;

(3) Before restocking CONSUMER self-service EQUIPMENT and UTENSILS such as condiment dispensers and display containers; and

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Conference for Food Protection
2016 Issue Form

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Delegate Action:	Accepted	_____	Rejected	_____		

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Issue History:

This is a brand new Issue.

Title:

Add a definition for ATP

Issue you would like the Conference to consider:

Adenosine triphosphate (ATP) is well known as the "molecular unit of currency" of all intracellular energy transfer. It is a nucleoside triphosphate (NTP) and is among the nucleotide derivatives necessary for all life comprising the building blocks of nucleic acids, eg., DNA and RNA.

For food safety purposes, the measurement of ATP on surfaces is a measure of the total bioburden (that would otherwise consume the oxidizing character of any approved sanitizer) on the sampled surface. Until now, the entire focus of hygienic operations has been on sanitizing. Incredible sums of money are spent evaluating the efficacy of sanitizers and (to a lesser extent) their toxicological effects. Every approved food contact surface sanitizer found in section 7-204.11 of the 2013 FDA Food Code which references Title 40 of the Code of Federal Regulations, section 180.940 (40 CFR180.940), where it is identified by its chemical identifier which in turn is given its own specific "maximum contamination level" (MCL) for its listed applications. It seems ironic that the U.S.. Congress refers to the sanitizers that they have "approved" as safe within their MCL's, as *contaminants.* Congress did not stop there with their disparaging descriptions these "approved" chemicals. The short title of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) found on its page 3 describes all of the products regulated by FIFRA as *ECONOMIC POISONS.* All of the chemicals regulated by FIFRA are lumped into the genre of "pesticides", whether they are sanitizers, disinfectants, insecticides, fungicides, or rodenticides. What is an *economic poison?* We are told that they are poisons to the vermin and pests that diminish yields which impacts our economy. Unfortunately, these very same products poison us causing myriad of maladies reducing total factor productivity, adding huge health care costs many of which are now paid for by government programs, the results of which is a diminished, poisoned economy.

All of this focus on sanitizers reduces the focus on *clean.* What is "clean" and how do you measure it? Clean "to sight and touch" is very subjective and qualitative, and is of no practical use for food contact surfaces. Edible oils and animal fats can be on surfaces and

be "invisible". We do not "touch" food contact surfaces with our bare hands or fingers, as to do so is to contaminate that surface. Until now, the only quantitative measure used to determine efficacy of a cleaning and sanitizing regime has been the efficacy of the sanitizer alone as tested in a laboratory. Efficacy is expressed in terms of log reductions of American Type Culture Collection (ATCC) test organisms by microbiological assay. New technology for accurate quantitative measure of "clean" is now available from multiple manufacturers in the form of luminometer's that measure the bioluminescence of luciferace. ATP should be defined in the FDA Food Code.

Public Health Significance:

We can improve that which we can measure. ATP is well known and understood to be the molecular unit of energy at the core of all intracellular exchange processes. ATP persists even after the loss of virulence, cellular death, and inactivation or denaturing of microbial cells and NTP. Today, using a new, accurate and affordable technology, we have the opportunity to broaden our understanding of one of the most, if not the most significant of all risk factors for disease transmission; cross-contamination. ATP luminometers effectively measure the bioburden on a surface. This measure enables us to more effectively clean, so that when we sanitize our chances of eliminating the target pathogens is far greater.

References:

http://www.cdc.gov/HAI/toolkits/Appendices-Evaluating-Environ-Cleaning.html
https://en.wikipedia.org/wiki/Adenosine_triphosphate

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined)*:*

Section 1-201.10, Definitions

ATP means adenosine triphosphate. ATP is the molecular unit of currency of all intracellular energy transfer. The amount of ATP on a surface measured in relative light units (RLU's) by an ATP luminometer is indicative of the degree of contamination on a surface. ATP measurements enable reasonable accuracy for cleaning (decontamination) process validation. Clean food contact surfaces are prerequisite to sanitization.

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2016 Issue Form

Issue: 2016 III-041

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

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Issue History:

This is a brand new Issue.

Title:

Biofilm definition

Issue you would like the Conference to consider:

There are five instances of the word "biofilm" in the 2013 FDA Food Code, all of which are in Annex 3, Public Health rational. Section 1-201.10 of the FDA Food Code provides no definition for this (relatively) new word. Though the word first appeared in literature in the Journal Microbial Ecology, (1975: Mack WN, Mack JP, Ackerson AO, "Microbial film development in a trickling filter," 1975, Volume 2, Issue 3, pp 215-226), it has only come into common parlance over the course of the past ten to fifteen years. It is now well known that biofilms are a problem in food and beverage operations, including potable water and ice handling and dispensing systems in both food and beverage processing and in the retail food industry. This is a Priority foundation item.

Public Health Significance:

Biofilms protect their microbial inhabitants from oxidizing agents and augment their resistance to cleaners and sanitizers. Understanding the characteristics of biofilms, their formation, propagation, growth and the support that they provide to the thriving symbiotic multi-species communities they build is critical to controlling certain risk factors for food borne disease transmission. Now that there are so many publications that identify and characterize biofilms and their myriad microspheres, it is time for the FDA Food Code to be updated to acknowledge biofilms role in food borne disease transmission by providing them with an accurate definition in Section 2-201.10.

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is <u>underlined</u>)*:*

Section 1-201.10

"Biofilm" means an assemblage of microbial cells along with inorganic particles (minerals and soils) that bind to surface. Pseudomonas aeruginosa is a pathogen in many if not most biofilms. Other pseudomonads are often in the biofilm brew, some of which have long stalks enabling them to hold-fast the colony. Some common biofilm pseudomonads are motile, using flagella to propel themselves along with any of their attached friends. Protozoa (eg., amoeba) feed on the biofilm chunks that the colony sacrifices and cuts loose once they are no longer needed for processing their mineral and nutrient specialties. Mineral precipitates are an attraction to biofilms, both due to their functional structure, but also because that are necessary for the metabolic survival of the many and varied species of organisms that make the colony. Gentle rinsing of food contact surfaces or sanitization without effective prerequisite cleaning is not effective due to the variable bio-burden and adhesion characteristics of biofilms. Biofilms must be removed from food contact surfaces before the application of an approved food contact surface sanitizer. Plumbing lines that are used to convey liquid foods are especially vulnerable to biofilm propagation due to the inability to inspect, clean and sanitize internal wetted surfaces.

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