

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-009

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

Delegate Action: Accepted _____ Rejected _____

All information above the line is for conference use only.

Issue History:

This is a brand new Issue.

Title:

Reestablishment of a Food Defense Committee

Issue you would like the Conference to consider:

The Reestablishment of a Food Defense Committee

Public Health Significance:

There have been several intentional adulteration events related to food establishments in the United States. Examples include:

- 1984 Rajneeshee attack on 10 salad bars in Oregon (750 ill)
- 2002-2003 Nicotine poisoning of retail meats in Michigan (100 ill)
- 2009 Pesticide poisonings of salsa at a restaurant in Kansas (40 ill)
- 2016 Intentional contamination of RTE food at local grocery stores in Michigan (No ill)
- 2017 Intentional contamination of RTE food at restaurants in South Lake Tahoe in California (4 ill)

Food defense, protecting food from intentional adulteration, is an important concept for the entire farm-to-table system, including food establishments (as defined in Model Food Code). The passage of the Food Safety Modernization Act (FSMA) Intentional Adulteration rule establishes requirements for covered food manufacturing facilities to develop and implement a food defense plan. As food establishment operators and regulators continue to look at risk factor data and supporting a food safety system approach, the need to protect consumers and retailers from potential food adulteration incidents is paramount. Current food defense resources found in the FDA Food Code are not sufficient to meet the needs of food establishments. There are about 3 pages of reference materials in Annex 2, Section 4 (pages 333-336) of the most current published version of the FDA Model Food Code. Many of these references are difficult to find because of broken/outdated links. Additionally, several of the resources are not designed for food establishments.

Recommended Solution: The Conference recommends...:

that a Food Defense Committee be reestablished to evaluate ways to improve Food Defense awareness for both operators and regulators in food establishments. Charges for the committee are:

1. Develop a food establishment food defense guide.
2. Develop a food establishment food defense best practices toolkit.
3. Identify current food defense references to be included in Appendix 2, Section 4.
4. Recommend whether an additional knowledge area under 2-102.11(C) relating to Food Defense in food establishments is appropriate.
5. Recommend whether an additional duty of the Person In Charge to take reasonable measures to minimize the risk for intentional adulteration of food is appropriate.
6. Report the committee's findings and recommendations back to the Conference at the 2022 Biennial Meeting.

Submitter Information:

Name: Steven Mandernach
Organization: Association of Food and Drug Officials
Address: 155 W. Market St., 3rd Floor
City/State/Zip: York, PA 17401
Telephone: 717-757-2888
E-mail: smandernach@afdo.org

Supporting Attachments:

- "FMI Food Defense Guide"

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.



FOOD DEFENSE

GUIDELINE



For inquiries, please contact:

Doug Baker
Vice President, Industry Relations
dbaker@fmi.org

Food Marketing Institute proudly advocates on behalf of the food retail industry, which employs nearly 5 million workers and represents a combined annual sales volume of almost \$800 billion. FMI member companies operate nearly 33,000 retail food stores and 12,000 pharmacies. FMI membership includes the entire spectrum of food retail venues; single owner grocery stores, large multi-store supermarket chains, pharmacies, online and mixed retail stores. Through programs in public affairs, food safety, research, education, health and wellness and industry relations, FMI offers resources and provides valuable benefits to almost 1,000 food retail and wholesale member companies and serves 85 international retail member companies. In addition, FMI has almost 500 associate member companies that provide products and services to the food retail industry. For more information, visit www.fmi.org and for information regarding the FMI Foundation, visit www.fmifoundation.org

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FOOD PRODUCT TAMPERING AND INTENTIONAL CONTAMINATION GUIDELINES

Introduction

Food and product contamination are primarily associated with the introduction of a foreign item, bacteria, virus, chemical or any other hazard that may cause injury, illness, or even death when ingested. It can also include the contamination of products that are used on the body, such as lotions and hair sprays, or a component of a product that is not typically ingested but could cause harm, such as the use of lead paint on a toy.

Contamination can occur at any point in the supply chain—from the field or production to the table or household. Contamination can be caused by anyone, including customers, employees, and vendors.

Several different circumstances, mostly related to employee behaviors and preparation practices, can result in unintentional contamination of products. Intentional contamination results from the deliberate and malicious actions taken by an individual or group with the intent of causing harm.

Food defense mitigation strategies are the actions you take to protect food products against intentional contamination. A Food Defense Plan is a tool to help establishments prevent, prepare for, respond to, and recover from intentional food and product tampering and contamination events. A Food Defense Plan provides specific actions to take when tampering or intentional contamination is suspected.

The following information in this document is meant for assisting key personnel to prepare, respond, stabilize, and recover from a tampering or intentional contamination event. Although the goal of these guidelines is to be thorough and detailed, it is meant to serve as a resource and a supplement to the many resources provided by federal government agencies (see References and Resource Section) and partnerships with your local law enforcement agencies. You will most likely want to customize this document to meet the specific needs of your organization, stores and personnel.

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Prepare

- Assemble a food defense team and assign responsibilities, including identifying a designated person responsible for implementing, managing and updating the Food Defense Plan.
- Conduct Vulnerability Assessment of physical security and operations to assess potential threats and areas vulnerable to attack. Review and verify assessment periodically, at least annually.
- Develop and implement a Food Defense Plan (See [FDA Food Defense Plan Builder](#)) and ensure plan is kept up to date. Plan should include, but should not be limited to, procedures for:
 - Addressing any vulnerabilities identified in the vulnerability assessment.
 - Identifying, responding to, and containing threats and acts of tampering/intentional contamination.
 - Segregating and securing any contaminated or potentially harmful products.
 - Safe handling and disposing of contaminated products and decontamination of the facility.
- Identify contact information for key emergency, law enforcement and public health authorities contact (i.e. police, fire, ems, local hospital, etc.)
- Provide Food Defense Training for all levels of employees (front line associates to leadership).
- Develop internal communication system to inform staff about relevant product and facility protection concerns.
- Develop external communication strategy for communicating with public.
- Purchase products from reputable and trusted suppliers. Suppliers should have a food defense program and should be proactively taking all the necessary steps to monitor and verify the integrity of their products.
- Deliveries should be scheduled and verified against scheduled delivery list.
- Develop procedures for receiving unscheduled deliveries.
- Inspect incoming shipments for signs of damage and tampering. Doors/hatches on delivery vehicles should be locked or sealed and tamper-evident seals should be intact and match information provided on shipping documentation.
- Conduct background checks on all employees, including seasonal, temporary, and contract staff.
- Utilize an identification system to identify employees such as uniforms, name tags or badges with individual control numbers for authorized access to non-public areas of the store.
- Limit access by staff to areas necessary for their job function and only during appropriate hours.
- Limit poisonous and toxic chemicals in the establishment to those that are required for the operation and maintenance of the facility and those that are intended for retail sale.
- Restrict access to areas where poisonous and toxic chemicals (e.g., pesticides, industrial chemicals, cleaning materials, sanitizers, disinfectants, etc.) are stored to only to authorized personnel.

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- Display poisonous and toxic chemicals for retail sale in a location where they can be easily monitored and periodically check these items for signs of tampering.
- Prevent public access to critical areas (e.g., receiving, preparation, storage and dishwashing areas).
- Employees should monitor public areas, customer self-service areas (e.g., salad bars, bulk food bins, etc.) and security of the premises for unusual or suspicious behavior.
- Ensure security measures such as cameras, lighting, alarm systems are working properly.
- Encourage employees to report signs of possible product contamination, unknown or suspicious persons, or any breaks in the food defense system.
- Review, at least annually, the effectiveness of the Food Defense Plan and revise accordingly.

Respond

- Follow Food Defense response procedures
- Employees should report any signs of possible product contamination, unknown or suspicious persons, or any breaks in the food defense system.
- Notify law enforcement and public health authorities if any suspicious activity is suspected.
- Activate the Crisis Management team immediately.
- If appropriate, appoint a Team Leader to manage the company response and communication with stakeholders.
- Conduct an internal investigation using prescribed procedures in all events.
- Notify manufacturers of the product in all events, and request assistance as needed.
- Identify affected product and follow prescribed procedures to remove, segregate and secure affected product.
- Stop additional distribution to stores of affected product as necessary.

Stabilize

- Work with regulatory agency to determine if a recall is needed and destroy/return affected product as necessary.
- Audit as necessary, review POS and other data, and follow-up verbally as needed to ensure all affected product has been removed from the shelves/supply chain.
- Communicate with all stakeholders, including customers, when safety has been restored.
- Obtain new source, if necessary, to replenish stock.
- Provide for new product to replace recalled product.

Recover

- Maintain records related to incident including impacted products.
- Review events and implement corrective actions to prevent future incidents.
- Evaluate incident response and review and revise Vulnerability Assessment and effectiveness of the Food Defense Plan.
- Retrain employees.
- Restore customer confidence in the company and affected food product(s).

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References and Resources

- **FDA Food Defense and Emergency Response for Retail Food**
<https://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodDefenseEmergencyResponseRetail/default.htm>
- **FDA Food Defense Self-Assessment Tool for Retail Food Stores and Food Service Establishments**
<https://www.fda.gov/downloads/Food/GuidanceRegulation/ucm125192.pdf>
- **FDA Food Defense Plan Builder** – A user-friendly software program designed to assist owners and operators of food facilities with developing personalized food defense plans for their facilities. <https://www.fda.gov/Food/FoodDefense/ToolsEducationalMaterials/ucm349888.htm>
- **FDA Food Defense Strategies Database** – A tool designed to assist owners, operators or agents in charge of companies that produce, process, store, package, distribute, and/or transport food with identifying preventive measures to protect the food against intentional adulteration.
<https://www.accessdata.fda.gov/scripts/fooddefensemmitigationstrategies/>
- **FDA Office of Criminal Investigations (OCI)** -- FDA's criminal law enforcement arm, OCI conducts criminal investigations of illegal activities involving FDA-regulated products.
<https://www.fda.gov/iceci/criminalinvestigations/default.htm>
- **FSIS Food Defense and Emergency Response Resources -**
<https://www.fsis.usda.gov/wps/portal/fsis/topics/food-defense-and-emergency-response>
- **Food Protection and Defense Institute (FPDI)** – <https://foodprotection.umn.edu/>
- **FBI Food Defense Awareness and Outreach -** <https://www.fbi.gov/file-repository/commercial-facilities-food-defense.pdf/view>

Food Defense Training Resources

- **FSPCA Food Defense Awareness for the FDA Intentional Adulteration Rule**
<https://www.ifsh.iit.edu/fspca/courses/intentional-adulteration>
- **Food Defense 101 – Food Defense Awareness for Front-line Food Industry Workers**
<https://www.accessdata.fda.gov/scripts/FDTraining/>

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