

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-029

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:

CFP Model Code

Issue you would like the Conference to consider:

The Conference on Food Protection should publish a model code document based on the 2017 Food Code but encompassing the recommendations of the CFP process solely. FDA would have a voice in the determination of the issues as does every member of the Conference.

Public Health Significance:

CFP makes recommendations, based on unanimous consent between the 50 states, to FDA. Often the recommendations for changes to the food code are ignored or discounted. There are many stakeholders that ensure safe food in the food regulatory sphere. Utilizing a system that is science-based and with strong emphasis on data driven risk analysis is a paramount to our mission. Many of FDA objections appear to be based on the principle that the absence of evidence is evidence of absence, which is a logic fallacy. This lends to the impression that the States do not feel they have a say in the code. CFP was "created to provide a formal process whereby members of industry, regulatory, academia, consumer, and professional organizations are afforded equal input in the development and/or modification of food safety guidance."

Two years ago, CFP recommended 26 changes. All 50 States voted in favor. These recommendations went to FDA and only 13 were accepted. Most recently 15 issue recommendations were submitted to FDA and only 5 were accepted. Note: The FDA Response letters from 2012, 2014, 2016, 2018 are included as attachments, although not in full due to size limitations. Full letters can be found on CFP website at www.foodprotect.org under Biennial Meetings.

Recent examples of such discounting include the storage within the restroom issue (2018-I-031) and the cedar plank (2018-I-032) issue. FDA looks at a rubric to determine if an item is a core, Pf, or Priority. The rubric is not available to the public.

While FDA is the paramount regulatory agency in the realm of food safety, it is an executive branch agency of the federal government and as such is not free from the influence of outside forces. The CFP, through its deliberative process can lay bare such influences and promote a regulatory structure based on the best science, the experience of the regulators and practical applicability.

The place for debate and determination of the content of the code is CFP. Not an opaque process at the federal agency.

Recommended Solution: The Conference recommends...:

The creation of a memorandum that allows the Conference to express their displeasure with the FDA regarding their recent disregard to State opinion.

Further, the CFP should publish a model code that consists solely of the modifications of the code adopted by the CFP.

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Supporting Attachments:

- "CFP 2018 FDA Response Letter"
- "FDA Response to CFP Recommendations 2016"
- "FDA Response to CFP 2014"
- "2012 FDA Response to CFP"

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.