

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Amend Food Code – Preventing Contamination By (and To) Consumers

Issue you would like the Conference to consider:

In an effort to prevent and reduce human foodborne illness as a result of food for animals, modifying a section in the Food Code to be able to achieve this should be considered. Modifying the "Preventing Contamination by Consumers" section to include language to prevent direct access to exposed uncooked or partially cooked food for animals such as pig ears or other similar pet treats. This measure would help encourage the practice of reducing barehand contact with these products as well as limiting access by preschool age children with the storage height restrictions.

Note: Utilizing the term "food for animals" instead of "animal food" to reduce confusion with the "animal foods" definition in the 2017 Food Code.

Public Health Significance:

Problem that needs to be addressed:

Human foodborne illness can be caused by food for animals. Several outbreaks with whole genome sequencing traceback have revealed food for animals as the source for human illness. A recent national human foodborne illness outbreak affecting 34 states with over 154 reported cases and 25 hospitalizations was traced back to pig ear pet treats. Twenty-seven cases were children younger than 5 years old. Examples of nationwide human foodborne illness contributed to contaminated pet food has been associated with both raw and dry pet food products. It is possible food for animals could have been a source for even more outbreaks in the past. Foodborne illness surveys used in epidemiological investigations typically have not addressed exposure to food for animals; therefore, an association may have been missed during previous investigations.

Additionally, food for animals is currently not regulated to prevent human foodborne illness at all levels throughout its entire supply chain. Consistent and collaborative regulation of food for animals may mitigate the associated risks. The same pathogens causing foodborne illness in humans are present in pet foods. Although the same safety measures

apply, they are often overlooked when the products are intended for animals. Often consumers are handling animal pet foods in their own kitchens and simultaneously preparing human foods. Pet owners regularly handle their pet's foods and treats, and thereby unknowingly, or possibly unconsciously, expose themselves to potential foodborne pathogens.

Recalls of pet food for animals have been issued as a precaution as the products contain pathogen strains harmful to both humans and animals. While helpful, precautionary recalls are a reactive response to a problem where preventative measures exist. A unified, one health approach to prevention is necessary.

Cause of the problem:

The extent of the human-companion animal bond is undeniable and ever-growing. Humans are now viewing their pets as a member of their family. By default, humans have significantly more exposure to their pets' food. Food for animals can be found in thousands of establishments of varying types such as grocery stores, farmer's markets, and home improvement stores across the country. An explosion of new varieties of food for animals such as refrigerated and frozen pet food, are increasing in popularity and availability. Most animal food regulatory programs do not have the capacity to verify safety measures at even a fraction of these establishments nor do most have the training or tools required for time/temperature control for safety food for animals. A significant misperception may exist among consumers and regulators alike dismissing human foodborne illness caused by contaminated food for animals or how these two outwardly different worlds connect.

Why the status quo is not addressing the problem:

As stated above, the exponential expansion of the pet food market into traditional human food establishments has exceeded the resources of animal food regulatory programs. The regulatory focus has generally been at the manufacturing level. This has left less resources for the retail sector. Most animal food regulators are untrained in the requirements for time/temperature control for safety food for animals associated with refrigerated and frozen pet foods. Often they do not have the equipment, such as thermometers, to properly regulate risk factors associated. Science tells us proper cold holding and freezing significantly limits the exponential growth of bacteria. Also, proper handling and storage reduces risk of cross-contamination. Some jurisdictions may have instituted authorities to enforce these prevention measures such as New York State Department of Agriculture and Markets where they recently seized almost 100 pounds of refrigerated raw meat dog food packages for temperature abuse in a chain supermarket or Seattle-King County Public Health that created a Zoonotic Disease Prevention Regulation implementing safety measures in pet food retail businesses. However, these authorities are rare and inconsistent across the country.

The Food Safety Modernization Act (FSMA) was enacted into law in 2011 with the main purpose to prevent adulteration. Most animal food regulatory agencies adopt FSMA regulations and/or AAFCO (Association of American Feed Control Officials) Model Bill and Regulations. Within these laws and regulations, there are very little safety measures existing for the retail sector since neither properly address known retail prevention measures. Furthermore, the Food Code does not address food for animals, even though the federal definition of "food" includes food for other animals since the definition's

inception in 1906 with the Pure Food and Drug Act and food for animals is offered at Food Code establishments.

Another goal of FSMA is to build and maintain an integrated food safety system with mutual reliance, essentially viewing public health through a one-health approach which recognizes that all components are interconnected. In the past, there has been limited collaboration between human food regulators and animal food regulators, resulting in silos and lack of awareness of how each type of food is regulated. Utilizing diverse expertise on both ends of the food spectrum, a unified approach to addressing food for animals in commerce could be enhanced to a level of prevention, mutual reliance, and in integrated food safety system; thus advancing the desired outcomes of FSMA.

Recommended policy solution:

In an effort to reduce or prevent human foodborne illnesses caused by food for animals, amendment of relevant sections in the Food Code is recommended. To enact these updates a letter should be sent to FDA requesting the amendment of relevant sections in the Food Code.

Potential consequences with recommendation:

Human food regulatory agencies will have to determine if their laws grant them authority to utilize the federal definition of food (Federal Food, Drug & Cosmetic Act, §321(f)) or if they have an equivalent definition. This would allow these agencies the proper authority if they were to adopt the new Food Code that contained the proposed changes. Otherwise, they would need to modify their law's definition.

Human food regulators will likely only have an additional aisle to inspect when in the human food establishments; those that store food for animals. The proposed changes will only be applied to human food regulator's existing inventory. Grocery stores, being the most likely example, are already accustomed to this type of regulation; however, the product companies may not be as familiar with retail regulation. Outreach and inclusion of the animal food industry is needed. To ensure equivalent and consistent regulation on the retail level, language updates will be proposed to AAFCO Model Bills and Regulations Committee for retail animal food establishments.

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA requesting §3-306.13 of the most recent edition of the Food Code be amended as follows: (new language underlined, deleted language strikeout)

Preventing Contamination by or to Consumers

3-306.13 Consumer Self-Service Operations.

(A) Raw, unPACKAGED animal FOOD, such as beef, lamb, pork, POULTRY, and FISH may not be offered for CONSUMER self-service. ^P

This paragraph does not apply to:

(1) *CONSUMER self-service of READY-TO-EAT FOODS at buffets or salad bars that serve FOODS such as sushi or raw shellfish;*

(2) *Ready-to-cook individual portions for immediate cooking and consumption on the PREMISES such as CONSUMER-cooked MEATS or CONSUMER-selected ingredients for Mongolian barbecue; or*

(3) *Raw, frozen, shell-on shrimp, or lobster; or*

(4) *Uncooked or partially cooked FOOD for animal consumption such as but not limited to dried pet treats.*

(B) CONSUMER self-service operations for READY-TO-EAT FOODS shall be provided with suitable UTENSILS or effective dispensing methods that protect the FOOD from contamination. ^{Pf}

(C) CONSUMER self-service operations such as buffets and salad bars shall be monitored by FOOD EMPLOYEES trained in safe operating procedures. ^{Pf}

(D) Containers for display and service of READY-TO-EAT FOODS, unPACKAGED, bulk FOOD for CONSUMER self-service must have a CONSUMER access point no less than 30 inches above floor level.

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Supporting Attachments:

- "Supporting Attachments"

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.

Supporting Attachments: (documents submitted to provide background information to Council)

- IFPTI Fellowship Research Paper- “Refrigerated and Frozen Pet Food: Estimating Risk Factors and Analyzing Regulatory Authority”: <https://ifpti.org/fellowship-program/published-works/refrigerated-and-frozen-pet-food-estimating-risk-factors-and-analyzing-regulatory-authority/>
- The definition of “food” in the §321(f) of the Food, Drug, & Cosmetic Act: <https://uscode.house.gov/view.xhtml?path=/prelim@title21/chapter9&edition=prelim>
- The definition of “food” in the §6 of Pure Food & Drug Act of 1906: https://en.wikisource.org/wiki/Pure_Food_and_Drug_Act_of_1906
- <https://www.cdc.gov/> to view current and previous human foodborne illness outbreaks that have identified food for animals as a source.
 - 2019- multi-drug resistant *Salmonella* in pig ear pet treats: <https://www.cdc.gov/salmonella/pet-treats-07-19/index.html>
 - 2018- multi-drug resistant *Salmonella* in raw chicken products (including raw pet food): <https://www.cdc.gov/salmonella/infantis-10-18/index.html>
 - 2018- multi-drug resistant *Salmonella* in raw turkey products (including raw pet food): <https://www.cdc.gov/salmonella/reading-07-18/index.html>
 - 2012- *Salmonella* Infantis in dry dog food: <https://www.cdc.gov/salmonella/dog-food-05-12/index.html>
 - 2007- *Salmonella* Schwarzengrund in dry pet food: <https://www.cdc.gov/salmonella/2007/pet-food-9-4-2007.html>
 - 2005- Human Salmonellosis Associated with Animal-Derived Pet Treats, United States and Canada: <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm5525a3.htm>; <https://promedmail.org/promed-post/?id=2208026>
- <https://www.fda.gov/animal-veterinary/news-events/outbreaks-and-advisories> to view current and previous outbreaks and advisories from food for animals
 - 2007-2015 Jerky pet treat investigation: <https://www.fda.gov/animal-veterinary/news-events/fda-investigates-animal-illnesses-linked-jerky-pet-treats>
- <https://www.fda.gov/safety/recalls-market-withdrawals-safety-alerts> to view recalls of food for animals contaminated with pathogens that can cause human foodborne illness.
- FDA- “Get the Facts! Raw Pet Food Diets can be Dangerous to You and Your Pet”: <https://www.fda.gov/animal-veterinary/animal-health-literacy/get-facts-raw-pet-food-diets-can-be-dangerous-you-and-your-pet>
- CDC- “Pet Food Safety”: <https://www.cdc.gov/healthypets/publications/pet-food-safety.html>
- Title 8 King County Board of Health Zoonotic Disease Prevention Regulations, §8.03.290 to 8.03.310 (2010). <https://www.kingcounty.gov/depts/health/communicable-diseases/zoonotic/facts-resources/~media/depts/health/board-of-health/documents/code/BOH-Code-Title-8.ashx>
- Rita Finley, Richard Reid-Smith, J. Scott Weese, Frederick J. Angulo, Human Health Implications of Salmonella-Contaminated Natural Pet Treats and Raw Pet Food, *Clinical Infectious Diseases*, Volume 42, Issue 5, 1 March 2006, Pages 686–691, <https://academic.oup.com/cid/article/42/5/686/317224>
- Baede, V. O., Broens, E. M., Spaninks, M. P., Timmerman, A. J., Graveland, H., Wagenaar, J. A., . . . Hordijk, J. (2017). Raw pet food as a risk factor for shedding of extended-spectrum beta-lactamase-producing Enterobacteriaceae in household cats. *PLoS ONE*, 12(11). <https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0187239&type=printable>

Supporting Attachments: (documents submitted to provide background information to Council)

- Byrne, L., Aird, H., Jorgensen, F., Kaindama, L., & Jenkins, C. (2018). Investigation into an outbreak of Shiga toxin producing Escherichia coli (STEC) O157 PT 21/18 Stx2 in England, August 2017 (England, Public Health England). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765498/STEC_O157_PT21.28_Outbreak_Report.pdf
- Examine the Current Pet Food Recall Special Hearing, 110th Cong. 1-46 (2007) (testimony of Herb Kohl). <https://www.govinfo.gov/content/pkg/CHRG-110shrg37883/html/CHRG-110shrg37883.htm>
- Review of the Impact of Imported Contaminated Food and Feed Ingredients and of Recent Food Safety Emergencies on Food Safety and Animal Health Systems Special Hearing, 110th Cong. 1-23 (2007). <https://www.govinfo.gov/content/pkg/CHRG-110hrg41165/html/CHRG-110hrg41165.htm>
- Morse, E. V., Duncan, M. A., Estep, D. A., Riggs, W. A., & Blackburn, B. O. (1976). Canine Salmonellosis: A Review and Report of Dog to Child Transmission of Salmonella enteritidis. American Journal of Public Health,66(1), 82-84. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1653365/pdf/amjph00488-0069.pdf>
- Stone, G. G., Chengappa, M. M., Oberst, R. D., Gabbert, N. H., McVey, S., Hennessy, K. J., . . . Staats, J. (1993). Application of polymerase chain reaction for the correlation of Salmonella serovars recovered from greyhound feces with their diet [Abstract]. Journal of Veterinary Diagnostic Investigation,5(3), 378-385. <https://www.ncbi.nlm.nih.gov/pubmed/8373851/>
- United States Department of Agriculture (USDA) Food Safety Inspection Service (FSIS). (2018, June 28). Study shows most people are spreading dangerous bacteria around the kitchen and don't even realize it [Press release]. <https://www.usda.gov/media/press-releases/2018/06/28/study-shows-most-people-are-spreading-dangerous-bacteria-around>
- Shrestha K, Acharya KP, Shrestha S. One health: The interface between veterinary and human health. Int J One Health 2018;4:8-14. <http://www.onehealthjournal.org/Vol.4/2.pdf>
- Adley, C., Dillon, C., Moris, C.P., Delappe, N., Cormican, M. (2011). Prevalence of Salmonella in pig ear pet treats [Abstract]. Journal of Food Research International, 44(1), 193-197. <https://www.sciencedirect.com/science/article/abs/pii/S0963996910004163?via%3DiHub>
- Behraves, C.B., et al. Human Salmonella Infections Linked to Contaminated Dry Dog and Cat Food, 2006–2008 [Abstract]. Official Journal of the American Academy of Pediatrics, 123(3), 477-483. <https://pediatrics.aappublications.org/content/126/3/477>
- Cavallo, Steffany J., et al. "Human Outbreak of Salmonella Typhimurium Associated with Exposure to Locally Made Chicken Jerky Pet Treats, New Hampshire, 2013." Foodborne Pathogens and Disease, vol. 12, no. 5, 2015, pp. 441–446. <https://www.liebertpub.com/doi/full/10.1089/fpd.2014.1889>
- Freeman, L. M., Janecko, N., & Weese, J. S. (2013). Nutritional and microbial analysis of bully sticks and survey of opinions about pet treats. The Canadian veterinary journal = La revue veterinaire canadienne, 54(1), 50–54. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3524813/>
- Taormina, Peter J. "Survival Rate of Salmonella on Cooked Pig Ear Pet Treats at Refrigerated and Ambient Temperature Storage." Journal of Food Protection, vol. 77, no. 1, 2014, pp. 50–56. <https://jfoodprotection.org/doi/pdf/10.4315/0362-028X.JFP-13-305>

Supporting Attachments: (documents submitted to provide background information to Council)

- Stull, Jason W, et al. "Pet Husbandry and Infection Control Practices Related to Zoonotic Disease Risks in Ontario, Canada." BMC Public Health, vol. 13, no. 1, 2013. <https://bmcpublihealth.biomedcentral.com/articles/10.1186/1471-2458-13-520>
- Stull, Jason W, et al. "Household Knowledge, Attitudes and Practices Related to Pet Contact and Associated Zoonoses in Ontario, Canada." BMC Public Health, vol. 12, no. 1, 2012. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3489606/>
- Kukanich, Kate S. "Update on Salmonella Spp Contamination of Pet Food, Treats, and Nutritional Products and Safe Feeding Recommendations." [First page only] Journal of the American Veterinary Medical Association, vol. 238, no. 11, 2011, pp. 1430–1434. <https://avmajournals.avma.org/doi/pdf/10.2460/javma.238.11.1430>
- Finley, R., et al. "The Occurrence and Anti-Microbial Susceptibility Of Salmonellae Isolated from Commercially Available Pig Ear Pet Treats." [Abstract only] Zoonoses and Public Health, 2008. <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1863-2378.2008.01144.x>
- Finley, R., et al. "The Occurrence and Antimicrobial Susceptibility of Salmonellae Isolated from Commercially Available Canine Raw Food Diets in Three Canadian Cities." [Abstract only] Zoonoses and Public Health, vol. 55, no. 8-10, 2008, pp. 462–469. <https://www.ncbi.nlm.nih.gov/pubmed/18811907>
- Pitout, J. D. D., et al. "Association between Handling of Pet Treats and Infection with Salmonella Enterica Serotype Newport Expressing the AmpC -Lactamase, CMY-2." Journal of Clinical Microbiology, vol. 41, no. 10, 2003, pp. 4578–4582. <https://jcm.asm.org/content/41/10/4578.long>
- White, D. G. "Antimicrobial Susceptibility and Genetic Relatedness of Salmonella Serovars Isolated from Animal-Derived Dog Treats in the USA." Journal of Antimicrobial Chemotherapy, vol. 52, no. 5, 2003, pp. 860–863. <https://academic.oup.com/jac/article/52/5/860/760112>
- Clark, C., et al. "Characterization of Salmonella Associated with Pig Ear Dog Treats in Canada." Journal of Clinical Microbiology, vol. 39, no. 11, 2001, pp. 3962–3968. https://jcm.asm.org/content/39/11/3962?ijkey=60f486f6df60a2bdbce347984f2d8bc9b52c35&keytype2=tf_ipsecsha
- Nemser, Sarah M., et al. "Investigation of Listeria, Salmonella, and Toxigenic Escherichia Coli in Various Pet Foods." Foodborne Pathogens and Disease, vol. 11, no. 9, 2014, pp. 706–709. <https://www.liebertpub.com/doi/full/10.1089/fpd.2014.1748>
- Strohmeier, Rachel A., et al. "Evaluation of Bacterial and Protozoal Contamination of Commercially Available Raw Meat Diets for Dogs." [Abstract only] Journal of the American Veterinary Medical Association, vol. 228, no. 4, 2006, pp. 537–542. <https://avmajournals.avma.org/doi/abs/10.2460/javma.228.4.537>