

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Food Recovery Committee (FRC) Report

Issue you would like the Conference to consider:

At the 2018 biennial meeting a Food Recovery Committee was formed to address the unresolved questions related to the practice of food donations posed during the Council I debate on issue 2018-1-24. The Conference charges included reviewing current practices and guidance and determining if a modification of the FDA Food Code was needed for food donation as an allowed practice.

Specifically, the charges were:

1. Evaluate existing materials including the AFDO guidance, Comprehensive Resource for Food Recovery Programs, and any other relevant guidance and documents pertaining to donated food; update the CFP guidance as needed; and evaluate opportunities to better disseminate existing guidance.
2. Identify best practices for handling, storage, and labeling of food for donation.
3. Examine existing state regulations that address food safety procedures for donation.
4. Recommend any necessary language changes to the FDA Food Code to ensure the safety of donated food.
5. Report back to the 2020 Biennial Meeting.

Public Health Significance:

Food donation is a safe practice that can reduce food waste and provide food assistance to those in need. The confusion that surrounds what foods can be safely donated and which sections of the Food Code apply to food donation can be addressed by providing easy-to-use guidance for food donations and modifying the FDA Food Code by adding a definition and sections acknowledging the practice.

The need for food assistance is documented by the US Department of Agriculture (USDA). On September 4, 2019, the USDA released its annual study measuring food security

entitled Household Food Security in the United States in 2018. This report is based on data from the December 2018 food security supplement to the U.S. Census Bureau Current Population Survey (CPS), that provides the most recent statistics on the food security of U.S. households, including how much households spent on food, and the extent to which food-insecure households participated in federal programs.

Key findings in the 2018 study report:

- 37.2 million (11.5%) individuals lived in food-insecure households.
- 14.3 million (11.1%) households were food insecure.
- 5.6 million (4.3%) households had very low food security.
- 11.2 million (15.2%) children lived in food-insecure households.
- 2.9 million (7.5%) households with seniors were food insecure.
- 1.3 million (8.9%) households with seniors living alone were food insecure.

The exact number of organizations and food establishments that donate food to food banks and food pantries for distribution to those need is unknown. Feeding America is made up of 200 food banks that work alongside an estimated 60,000 partner agencies. An estimated 20,000 grocery stores donate food to Feeding America-affiliated food banks or their partner agencies. There are numerous other retailers outside of the Feeding America network that donate directly to local food banks and food pantries. The Feeding America network also includes nearly 5,000 food service establishments that donate food to local food recovery operations; there are assumed to be many other food service donations happening outside of the Feeding America network.

<https://www.feedingamerica.org/sites/default/files/research/hunger-in-america/hia-2014-executive-summary.pdf>

Food Donation Connection reports on their website, "In 2017, an estimated 1,400 business entities through 19,300+ foodservice locations (restaurants, airports, travel plazas, retailers, hotels, universities, hospitals, distribution centers) donated 50 million pounds of prepared surplus food to 11,000 hunger relief organizations."

Food donation supports the reduction of food waste. In the United States, an estimated 30-40 percent of the food supply is wasted. The USDA's Economic Research Service estimates that 31 percent of food loss occurs at the retail and consumer levels; a percentage that corresponds to approximately 133 billion pounds of wasted food each year, worth nearly \$161 billion in 2010. https://foodwastealliance.org/wp-content/uploads/2014/11/FWRA_BSR_Tier3_FINAL.pdf This amount of food and economic waste has far-reaching impacts on society. Wholesome food that could have helped feed families in need is sent to landfills. Land, water, labor, energy and other inputs are used in producing, processing, transporting, preparing, storing, and disposing of discarded food.

For food donation to be accomplished in a manner that provides safe food to those in need, this practice must be conducted under the same conditions as food offered for sale. It must come from commercial suppliers under regulatory control. Home kitchens, with their varieties of food and open entry to humans and pet animals, are frequently implicated in the microbial contamination of food and are not acceptable sources of donated food. Controlled processing and post processing handling are required for the safe distribution of donated food.

Recommended Solution: The Conference recommends...:

The Conference recommends acknowledgment of the 2018-1-24 Food Recovery (FR) Committee Report, with thanks to the members of the Committee for their work and dissolution of the FR committee.

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Content Documents:

- "FR Committee Final Report"
- "CFP - FRC- Committee Roster"
- "1 A Handout Draft - How Food Establishments Can Donate Food"
- "1 B Handout Draft - How to Transport Donated Food"
- "1 C Handout Draft - How to Serve Donated Food"
- "1 D Handout Draft - Serving Highly Susceptible Populations"

Supporting Attachments:

- "Supporting Attachments Available Online_CFP"
- "Supporting Attachments Unavailable Online_CFP"
- "Claire Cummings - Bon Appetit"
- "Example Checklist"
- "Food Recovery Network Accept Foods"
- "Donating Unsold Foods"
- "Sara Gassman - Food Recovery Network II"
- "Syd Mandelbaum - Rock and Wrap it Up"
- "TX Survey Responses"
- "Wayne Melichar - Feeding America"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

FRC Infographic Handouts Acceptance for Approval and Posting

Issue you would like the Conference to consider:

We respectfully request that the Conference consider adding four (4) info graphic sheets submitted in the Food Recovery Committee (FRC) Report to the CFP's 2016 revision of the Comprehensive Resource for Food Recovery Programs.

Public Health Significance:

The info graphic sheets support the Conference for Food Protection's 2016 revision of the Comprehensive Resource for Food Recovery Programs by providing easy to understand info graphics on how to properly handle donated foods. By including these info graphics, individuals of all ages and learning abilities will have accurate information to safely handle donated foods.

Topics covered in the info graphic sheets are: (1) How food establishments can donate food; (2) How to properly transport donated food; (3) How to serve donated food; and, (4) Serving highly susceptible populations.

Recommended Solution: The Conference recommends...:

addition of the four (4) info graphic sheets (attached to Issue Titled: Food Recovery Committee (FRC) Report) to the CFP's 2016 revision of the Comprehensive Resource for Food Recovery Programs.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

FRC Food Code Amendment

Issue you would like the Conference to consider:

The Food Recovery Committee suggests the Conference recommend that FDA 1) modify the most current version of the FDA Model Food Code to include a definition of food donation and 2) issue interpretive guidance of existing Food Code requirements addressing the donation of food to individuals in need.

Public Health Significance:

Donation of food by regulated retail foodservice establishments can reduce food waste and provide food assistance to those in need. However, the current FDA Food Code, and preceding versions, do not clearly address this practice. As food donation, rescue, and recovery practices have expanded in recent years, so too has the need for knowledge and guidance in the Food Code to address these practices. A report by the Harvard Law School "Food Safety Regulations & Guidance for Food Donations: A Fifty-State Survey of State Practices" (March 2018) https://www.chlpi.org/wp-content/uploads/2013/12/50-State-Food-Regs_March-2018_V2.pdf, notes that 12 states have added provisions for food donation into their Food Codes, with 39 states having no relevant legislation. The report further noted that even in the 12 states where relevant laws or regulations exist, the scope varies widely, and most are quite narrow. Food assistance organizations help individuals and families meet emergency food needs and, increasingly, provide 11.1% of U.S. households with their daily food needs. USDA Economic Research Service. 2018. Food Security Status of U.S. Households in 2018. <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/key-statistics-graphics/>

Specifically, addressing food donation in the FDA Food Code and providing guidance will help ensure safe food donations and provide for consistent regulation of the donation process. The lack of uniformity among public health officials in applying food safety preventive controls to food donation practices has created a disincentive among potential food donors. Food establishments may be reluctant to donate food in the absence of clear

guidance on topics such as time/temperature controls, and packaging and labeling of food that is offered to organizations for distribution to those in need. Without guidance clarifying the process for safe food donation within the Food Code, food establishments may opt not to donate food due to concern over the risks associated with civil liability. The 2014 report "Analysis of U.S. Food Waste Among Food Manufacturers, Retailers, and Restaurants" https://foodwastealliance.org/wp-content/uploads/2014/11/FWRA_BSR_Tier3_FINAL.pdf , notes that in a survey of 1000 restaurants, only 22 percent donated food. Two of the barriers that survey respondents listed to donating food were liability (67 percent small operators, 56 percent of retailers with 10 or more locations) and regulatory constraints (56 percent both sectors). A 2019 survey conducted by Harris County Public Health, Pasadena, Texas on food donation practices found that barriers to donation included liability concerns and lack of knowledge that food donation was an allowed practice. The Harris County survey further concluded that respondents would be more likely to donate food if clear guidance was available on how to safely offer food to those in need.

Individuals seeking assistance from food pantries or emergency feeding operations are at higher risk for serious complications resulting from a foodborne illness. A study published in 2011 (B.M. Lund, S.J. O'Brien. 2011. Foodborne Path. Dis. 8:961-973 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4555333>), indicated that individuals eligible for food assistance were at heightened risk of contracting a foodborne illness compared to the general population. Food insecurity has been tied to a myriad of negative health outcomes, particularly in children, including poorer overall physical health, cognitive problems, and anemia. Heart disease, food allergies, mental health problems, obesity, and poor self-reported health, especially symptoms linked to psychological suffering, were found to be more prevalent in food insecure populations than food secure populations.

For non-shelf stable food donation to be accomplished in a manner that provides safe food, the foods must be obtained from regulated food establishments and the conditions for preparation and handling of the food must be the same as for any food offered to the consumer from the regulated establishment. Controlled processing and post-processing handling are required for the safe distribution of donated food.

The proposals in this Issue address the lack of clarity that confronts both operators and regulators around the concern of food donated by regulated food establishments to help feed those in need. Adding a definition and providing guidance to support the practice of food donation(s) will help to address the confusion surrounding what food(s) can be safely donated and address/resolve the applicable sections of the Food Code supporting the safe practice of food donation with the goal of protecting public health.

A primary line of defense in ensuring that food meets the requirements of the proposed 3-101.12 is to obtain, transport and hold food in a manner that complies with Chapter 3. It is also critical to monitor food products to ensure that, during the donation process, food items do not become unsafe or adulterated. The regulatory community, industry, distributors and consumers should exercise vigilance in controlling the conditions to which foods are subjected and remain alert to signs of abuse.

Recommended Solution: The Conference recommends...:

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

1. Amendment of the most current version of the Food Code to include:

a) Add general provision as section 3-101.12 Donation of Food, acknowledging that it is appropriate for licensed retail and foodservice establishments to donate food to organizations provided that the food has been stored, held, prepared or displayed in a manner that is in accordance with the applicable food safety requirements contained in the Food Code. Text to be considered for inclusion in the CFP Issue submission could be as follows: "FOOD that has not been received, stored, held, prepared, displayed, or labeled in accordance with Chapter 3 shall not be offered for FOOD DONATION."

b) Add a definition of the term "FOOD DONATION" to section 1-201.10 (B) to establish a recognized definition for that term so that when it is used in the Food Code, its meaning is widely understood as distributing food to another organization for charitable purposes with the intention that it be consumed by humans. Text to be considered for inclusion in the CFP Issue submission could be as follows: "FOOD DONATION: Practice by which a FOOD ESTABLISHMENT offers FOOD at no cost to an organization for distribution to, and consumption by, individuals in need. The donated FOOD is not offered for sale to the end consumer."

c) Furthermore that section 8-101.10 (A) be modified to reflect that it also applies to food that is donated with the following modification: "The REGULATORY AUTHORITY shall apply this Code to promote its underlying purpose, as specified in § 1-102.10, of safeguarding public health and ensuring that FOOD is safe, unADULTERATED, and honestly presented when offered to the CONSUMER or for FOOD DONATION."

2. That FDA publish supplemental guidance or interpretive language that addresses safe food donation practices and its relationship to current Food Code provisions, where appropriate. Among other issues, the FDA guidance should specifically address donation of the following:

a) FOOD requiring a VARIANCE as specified in 3-502.11 and 3-502.12 without a VARIANCE.

b) Exposed FOOD that has been on display to CONSUMERS or that has been offered for customer self-service.

c) TCS FOOD that has been held or displayed for sale or service using time alone without temperature control as specified in 3-501.19

d) FOODS packaged in the FOOD ESTABLISHMENT and that may or may not be required to be labeled when offered for sale or service in the FOOD ESTABLISHMENT

e) FOODS that are offered for sale or service in an unPACKAGED form in the FOOD ESTABLISHMENT.

f) JUICE PACKAGED in a FOOD ESTABLISHMENT that has not been treated to yield a 5-log reduction of the most resistant microorganism of public health significance.

g) Animal-derived foods that is FOOD offered, 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 and for which FOOD ESTABLISHMENTS are required to inform CONSUMERS of the increased risk of consuming such FOOD by way of a DISCLOSURE and REMINDER, as specified in 3-603.11.

h) Refrigerated, READY-TO-EAT TCS FOOD that is subject to the date marking requirements in 3-501.17

- i) FOOD that bears a quality-based or safety-based date label that was applied by the manufacturer or the FOOD ESTABLISHMENT and for which the date has passed.
- j) FOOD donated in bulk packaging, with or without a label.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-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: Issue 2016 I-023; new or additional information has been included or attached.

Title:

CFP- ISSC: Report and Recreate CFP- ISSC Joint Committee on Shellfish.

Issue you would like the Conference to consider:

Report from the CFP- ISSC Joint Committee on Shellfish investigating opportunities and activities to improve compliance with the Food Code Section 3-203.12. Issue :2016 I-023.

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. Increased efficiency in investigation could potentially decrease preliminary growing area closures. Timely investigation of Vp cases by State and local health officials are impeded by unsuccessful efforts to determine product source. In many cases, investigation is complicated by inadequate record keeping as required by Section 3-203.12 of the 2017 FDA Food Code.

Recommended Solution: The Conference recommends...:

1. Please see attached committee report (CFP- ISSC Joint Committee on Shellfish; Issue :2016 I-023).
2. The Co-Chairs would like the conference to acknowledge and thank the committee members for their work.
3. The Conference recommends CFP- ISSC Joint Committee on Shellfish be recreated. The attached annual report identifies the Committees work regarding a lack of resources available for State and Local retail food inspectors and retail food establishments. Therefore the Committee recommends the following charges
 1. Continue work to develop guidance documents for State and Local retail food inspectors and retail food establishments.

2. Report the committee's findings and recommendations at the 2022 CFP Biennial Meeting.

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Content Documents:

- "CFP- ISSC Joint Committee on Shellfish Final Report"
- "CFP-ISSC Shellfish Committee Member Roster"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-005

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: Issue 2016 I-023; new or additional information has been included or attached.

Title:

CFP- ISSC Joint Committee on Shellfish; Amend Food Code

Issue you would like the Conference to consider:

Proposed amendments to the most current edition of the FDA Food Code based on the CFP- ISSC Joint Committee on Shellfish investigating opportunities and activities to improve compliance with the Food Code Section 3-203.12. Issue :2016 I-023. These amendments will remove discrepancies in terminology, definitions, and requirements for shellstock tagging in the Food Code and the Model Ordinance that may inhibit compliance with the Food Code, increasing the ability of retail food establishments to provide complete and accurate source information

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. Increased efficiency in investigation could potentially decrease preliminary growing area closures. Timely investigation of Vp cases by State and local health officials are impeded by unsuccessful efforts to determine product source. In many cases, investigation is complicated by inadequate record keeping as required by Section 3-203.12 of the 2013 FDA Food Code.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that Sections 1-201.10 (B), 3-202.18, and 3-203.12 be amended to incorporate requirements from the Interstate Shellfish Sanitation Conference 2017 Model Ordinance. Specific proposed language is found below:

1-201.10 (B)

"Certification number" means ~~a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.~~ the unique identification number issued by the

SHELLFISH CONTROL AUTHORITY to each dealer for each location. Each certification number shall consist of a one to five digit Arabic number preceded by the two letter State abbreviation and followed by a two letter abbreviation for the type of activity or activities the dealer is qualified to perform in accordance with this provision of the National Shellfish Sanitation Program using the following terms: shellstock shipper (SS), shucker-packer (SP), repacker (RP), and Depuration Processor(DP).

"Commingle" means:

1. To combine shellstock harvested on different days or from different growing areas as identified on the tag or label; or
2. To combine shucked shellfish from containers with different container codes or different shucking dates; and
3. To combine in-shell product harvested on different days or from different growing areas as identified on the tag or label.

Add Definition "In-shell Product" means non-living, processed shellfish with one or both shells present.

"Molluscan shellfish" means ~~any edible~~ all species of fresh or frozen oysters, clams, mussels, whether shucked or in the shell, raw, including post-harvest processed, frozen or unfrozen, whole or in part; and scallops or edible portions thereof in any form, except when the scallop final product form consists only of the shucked is the adductor muscle only.

"Shellstock" means ~~raw, in-shell~~ live molluscan shellfish in the shell.

"Shucked shellfish" means molluscan shellfish that have ~~one or~~ both shells removed.

3-202.18. Shellstock and In-shell Product Identification.

(A) Shellstock shall be obtained in containers bearing legible source identification tags or labels

that are affixed by a dealer that depurates, ships, or reships the shellstock, as specified in the

National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish, and

~~that list are listed in the Interstate Certified Shellfish Shippers List.~~ ^{Pf}

~~(1) Except as specified under (C) of this section, on the harvester's tag or label, the following~~

~~information in the following order:~~ ^{Pf}

~~(a) The harvester's identification number that is assigned by the SHELLFISH CONTROL AUTHORITY,~~

~~(b) The date of harvesting,~~ ^{Pf}

~~(c) most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the SHELLFISH CONTROL AUTHORITY and including the abbreviation of the name of the state or country in which the shellfish are harvested,~~ ^{Pf}

~~(d) The type and quantity of shellfish,~~ ^{Pf}

~~(e) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty or retagged and thereafter kept on file for 90 days;,"~~ ^{Pf} and

~~(2)(1) Except as specified in (D) of this section, on each DEALER'S tag or label, the following~~

information in the following order. ^{Pf}

(a) The dealer's name and address, and the certification number assigned by the SHELLFISH CONTROL AUTHORITY. ^{Pf}

(b) The original shipper's certification number including the abbreviation of the name of the state or country in which the shellfish are harvested. If depurated the original shellstock shipper's certification number is not required. ^{Pf}

~~(c) The same information as specified for a harvester's tag under Subparagraphs (A)(1)(b)-(d) of this section, The harvest date; or if depurated, the date of depuration processing, or if wet stored, the original harvest date, and the final harvest date which is the date removed from wet storage.~~ ^{Pf} and

~~(d) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty and thereafter kept on file for 90 days. If wet stored or depurated, the wet storage or depuration cycle or lot number. The wet storage lot number shall begin with the letter "w".~~ ^{Pf}

~~(e) The most precise identification of the harvest location as is practicable including the initials of the State of harvest, and the SHELLFISH CONTROL AUTHORITY'S designation of the growing area.~~ ^{Pf}

~~(f) The type and quantity of shellstock.~~ ^{Pf}

~~(g) The following statement in bold, capitalized type: "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS. RETAILERS: DATE WHEN LAST SHELLFISH FROM THIS CONTAINER SOLD OR SERVED (INSERT DATE) _____" ^{Pf}~~

~~(h) The statement "Keep Refrigerated" or an equivalent statement.~~ ^{Pf}

(B) A container of shellstock and in-shell product that does not bear a tag or label or that bears

a tag or label that does not contain all the information as specified under subsection A of this

section shall be subject to a hold order, as allowed by law, or seizure and destruction in accordance with 21 CFR Subpart D - Specific Administrative Decisions Regarding Interstate

Shipments, Section 1240.60(d). ^{Pf}

~~(C) If a place is provided on the harvester's tag or label for a DEALER'S name, address, and~~

~~CERTIFICATION NUMBER, the DEALER'S information shall be listed first.~~

~~(C) (D) If the harvester's tag or label is designed to accommodate each DEALER'S identification~~

~~as specified in Subparagraph's (A)(2)(a) and (b) of this section, individual DEALER tags or labels need not be provided. When both the dealer and the harvester tags appear on the container, the dealer's tag is not required to duplicate the information on the harvester's tag.~~

^{Pf}

~~(D) (E) In-shell product shall be obtained in containers bearing legible source identification tags or labels that are affixed by a dealer that depurates, ships, or reships the in-shell product, as~~

~~specified in the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish, and that list: that are listed in the Interstate Certified Shellfish Shippers List.~~ ^P

(1) The dealer tag or label on in-shell product shall contain the following indelible, legible

information in the order specified below: ^{Pf}

(a) The dealer's name and address: ^{Pf}

(b) The dealer's certification number as assigned by the SHELLFISH CONTROL AUTHORITY: ^{Pf}

(c) The original shellstock shipper's certification number. If depurated the original shellstock shipper's certification number is not required. ^{Pf}

(d) A "SELL BY DATE" or the words "BEST IF USED BY" followed by a date when the product is expected to reach its shelf life. The date shall include month, day, and year. ^{Pf}

(e) If depurated, the depuration cycle number or lot number. ^{Pf}

(f) The most precise identification of the harvest location as is practicable including the initials of the State of harvest, and the SHELLFISH CONTROL AUTHORITY'S designation of the growing area.

(g) The type and quantity of in-shell product: ^{Pf}

(h) The following statement in bold, capitalized type: "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE, IN CHRONOLOGICAL ORDER, FOR 90 DAYS. RETAILERS: DATE WHEN LAST SHELLFISH FROM THIS CONTAINER SOLD OR SERVED (INSERT DATE) _____." OR "THIS LABEL IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE, IN CHRONOLOGICAL ORDER, FOR 90 DAYS" RETAILERS: DATE WHEN LAST SHELLFISH FROM THIS CONTAINER SOLD OR SERVED (INSERT DATE) _____. ^{Pf}

(i) The statement "Keep Refrigerated" or an equivalent statement. ^{Pf}

3-203.12 Shellstock and in-shell product; maintaining identification.

A. Except as specified under subdivision (C) (2) of this section, shellstock and in-shell product

tags or labels shall remain attached to the container in which the shellstock and in-shell product

are received until the container is empty. ^{Pf}

B. The date when the last shellstock and in-shell product from the container is sold or served

shall be recorded on the tag or label. ^{Pf}

C. The identity of the source of shellstock and in-shell product that are sold or served shall be

maintained by retaining shellstock and in-shell product tags or labels for 90 calendar days

from the date that is recorded on the tag or label as specified in subsection B of this section, by: ^{Pf}

1. Using an approved recordkeeping system that keeps the tags or labels in chronological order correlated to the date that is recorded on the tag or label, as specified under subsection B of this section; ^{Pf} and

2. If shellstock and in-shell product are removed from its tagged or labeled container:

a. Preserving source identification by using a recordkeeping system as specified under subdivision C 1 of this section, ^{Pf} and

b. Ensuring that shellstock, in-shell product, or shucked shellfish from one tagged or labeled container are not commingled with shellstock, in-shell product, or shucked shellfish from another container with different certification numbers, different harvest

dates, or different growing areas as identified on the tag or label before being ordered by the consumer.^{Pf}

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-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:

Amend Food Code and Annex references to 21 CFR 110 with 21 CFR 117.

Issue you would like the Conference to consider:

In the Supplement to the 2017 Food Code, Section 3-501.17 Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking should be updated to strike the phrase "21 CFR 110 Current food manufacturing practice in manufacturing, packing, or holding human food" and replaced with "21 CFR 117 Current good manufacturing practice, hazard analysis, and risk-based preventive controls for human food".

Annex 2 of the above referenced document should be updated to strike references to 21 CFR 110 and replaced with 21 CFR 117.

Annex 3 of the above referenced document should be updated to strike the reference to 21 CFR 110 and replaced with 21 CFR 117.

Public Health Significance:

FDA has updated and replaced 21 CFR 110 with 21 CFR 117.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that Section 3-501.17, Annex 2 and Annex 3 of the Supplement to the 2017 Food Code be amended to remove all references to 21 CFR 110 and replaced with 21 CFR 117.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Amend Food Code 1-201.10 replace Fruits and Vegetables with term Plant Food

Issue you would like the Conference to consider:

In the Supplement to the 2017 Food Code, section (2)(c) of the definition of ready-to-eat foods should be updated to strike the phrase "Fruits and vegetables" and replaced with "Plant foods".

Public Health Significance:

Currently, section (2)(c) of the definition of ready-to-eat foods and 3-401.13 do not use consistent terminology. The term "fruits and vegetables" was replaced with "plant foods" in section 3-401.13. Therefore, for continuity, the same change should be made in section (2) (c) of the definition of ready-to-eat foods.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that Section 1-201.10 Statement of Application and Listing of Terms of the Supplement to the 2017 Food Code be amended as follows (language to be removed is stricken and new language is underlined):

(2) "Ready-to-eat food" includes:

(a) Raw animal FOOD that is cooked as specified under § 3-401.11 or 3-401.12, or frozen as specified under § 3-402.11;

(b) Raw fruits and vegetables that are washed as specified under § 3-302.15;

(c) ~~Fruits and vegetables~~ Plant foods that are cooked for hot holding, as specified under § 3-401.13;

(d) All TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is cooked to the temperature and time required for the specific FOOD under Subpart 3-401 and cooled as specified under § 3-501.14;

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Amend Food Code 1-201.10 Statement of Application & Listing of Terms (PHF)

Issue you would like the Conference to consider:

The definition of Time/Temperature Control for Safety Food in the Supplement to the 2017 Food Code includes unnecessary qualification by including the phrase "(formerly "potentially hazardous food" (PHF))".

Public Health Significance:

The term "potentially hazardous food" is obsolete, as the term "time/temperature control for safety food" was introduced in the 2005 Food Code. In addition, the term "potentially hazardous food" does not appear elsewhere in the Supplement to the 2017 Food Code.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that Section 1-201.10 Statement of Application and Listing of Terms of the Supplement to the 2017 Food Code be amended as follows (language to be removed is stricken):

Time/Temperature Control for Safety Food (~~formerly "potentially hazardous food" (PHF)~~).

(1) "Time/temperature control for safety food" means a FOOD that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(2) "Time/temperature control for safety food" includes:

(a) An animal FOOD that is raw or heat-treated; a plant FOOD that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-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:

Condition Control Food

Issue you would like the Conference to consider:

The term "Condition Control Food" or "CCF" to be used as an equivalent or replacement term for describing "Time/temperature control for safety food" or "TCS."

Public Health Significance:

Improved communications.

Communicating the importance and differences between CCF and non-CCF is improved based on anecdotal field reports in Montana. Our agency believes these reports could be duplicated on a larger scale if the term is adopted. CCF represents the many conditions needed to ensure safe food by controlling pH level to water activity, cold-hold storage and any other relevant condition required to produce safe food.

Recommended Solution: The Conference recommends...:

The Conference recommends a letter be sent to FDA requesting that the term "Condition Control Food" or "CCF" to be used as an equivalent or replacement term for describing "Time/temperature control for safety food" or "TCS."

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Amend Food Code – Clarify “Equipment” definition

Issue you would like the Conference to consider:

Recommend Conference for Food Protection to consider an amendment to the definition of "Equipment" (see page 7 of the 2017 Food Code) provided in *1.201.10 Statement of Application and Listing of Terms*. The "Equipment" definition should also consider any physical structure, surface or accessory attached to, or in the vicinity of an actual equipment, which may directly influence an equipment's capability of producing safe food. Such a significant change should further clarify the associated definition of "Food-contact surface" (see page 8 of the 2017 Food Code) that also includes: the surface of equipment - with which food normally comes into contact, (or) - from which food may drain, drip or splash into a food, or, onto a surface normally in contact with food. For more information, see content document attached: *Proposal to Review the Definitions of "Utensil" and "Equipment" provided in the 2017 Food Code and ensuring their relation with the "Food-contact surface" Definition*.

Public Health Significance:

According to the CDC, over 60% of the food-related outbreaks occur in food service establishments such as restaurants, and that contaminated equipment and utensils are one of the top 5 factors contributing to food-borne illnesses. Hence, equipment surfaces that are identified as food-contact surfaces must be cleaned as specified under Part 4-6 of the 2017 Food Code, and sanitized as specified under Part 4-7 of the Code in order to control cross-contamination of food and to prevent food-borne disease occurrences. For more information, see content document attached: *Proposal to Review the Definitions of "Utensil" and "Equipment" provided in the 2017 Food Code and ensuring their relation with the "Food-contact surface" Definition*.

Recommended Solution: The Conference recommends...:

... a letter be sent to the FDA requesting that the definition for "Equipment" listed under 1-201.10 [see page 7 of the 2017 Food Code] be amended as follows (language to be deleted is in strike-through format, new language to be added is underlined):

Equipment.

(1) "Equipment" means an article that is used in the operation of a FOOD ESTABLISHMENT such as a freezer, grinder, hood, ice maker, MEAT block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, TEMPERATURE MEASURING DEVICE for ambient air, VENDING MACHINE, or WAREWASHING machine.

(2) "Equipment" includes any physical structure, surface or accessory (e.g. ball bearings, overhead covers etc.) attached to, or in the vicinity of the actual EQUIPMENT which may directly influence an EQUIPMENT's capability for the production of SAFE FOOD.

~~(2)~~ (3) "Equipment" does not include apparatuses used for handling or storing large quantities of PACKAGED FOODS that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

For more information, see content document attached: *Proposal to Review the Definitions of "Utensil" and "Equipment" provided in the 2017 Food Code and ensuring their relation with the "Food-contact surface" Definition.*

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Content Documents:

- "Proposal to Review the Definitions of "Utensil" and "Equipment""

Supporting Attachments:

- "Key References"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Amend Food Code – Clarify “Utensil” Definition

Issue you would like the Conference to consider:

Recommend the Conference for Food Protection to consider an amendment to the definition of "Utensil" (see page 24 of the 2017 Food Code) provided in 1.201.10 Statement of Application and Listing of Terms. The "Utensil" definition should clarify on the differences between multi-use articles (that normally undergo suitable ware-washing) and single-use or single-service articles (that are normally discarded after one-time use), and should also clearly state the exclusion (from "utensils" definition) for secondary cartons or containers that store packaged foods (where food is not exposed to the environment). Such significant changes should further clarify the associated definition of "Food-contact surface" (see page 8 of the 2017 Food Code) that also includes: - the utensils with which food normally comes into contact, (or) - from which food may drain, drip, or splash into a food ,or, onto a surface normally in contact with food. For more information, see content document attached: *Proposal to Review the Definitions of "Utensil" and "Equipment" provided in the 2017 Food Code and ensuring their relation with the "Food-contact surface" Definition.*

Public Health Significance:

According to the CDC, over 60% of the food-related outbreaks occur in food service establishments such as restaurants, and that contaminated equipment and utensils are one of the top 5 factors contributing to food borne illnesses. Utensils are identified as food-contact surfaces. However, not all utensils undergo ware-washing, since single-service or single-use articles are discarded after one-time use. Hence, only the multi-use utensils that are identified as food-contact surfaces that must be cleaned as specified under Part 4-6 of the 2017 Food Code, and sanitized as specified under Part 4-7 of the Code in order to control cross-contamination of food and to prevent food-borne disease occurrences. For more information, see content document attached: *Proposal to Review the Definitions of "Utensil" and "Equipment" provided in the 2017 Food Code and ensuring their relation with the "Food-contact surface" Definition.*

Recommended Solution: The Conference recommends...:

... that a letter be sent to the FDA requesting the definition for "Utensil" listed under 1-201.10 [see page 24 of the Food Code 2017] be amended as follows (language to be deleted is in strike-through format, new language to be added is underlined):

"Utensil"

(1) means a FOOD-CONTACT implement or container used in the storage, preparation, transportation, dispensing, sale, or service of FOOD, such as KITCHENWARE or TABLEWARE that is multiuse, SINGLE-SERVICE, or SINGLE-USE; gloves used in contact with FOOD; multiuse gloves; temperature sensing probes of FOOD TEMPERATURE MEASURING DEVICES; and probe-type price or identification tags used in contact with FOOD. These multiuse articles normally undergo suitable WAREWASHING.

(2) includes SINGLE-SERVICE, or SINGLE-USE ARTICLES; packaging; and disposable gloves in contact with food. These items are normally for one-time use only, and do not undergo WAREWASHING. However, such items shall be made of SAFE MATERIAL, and are required to be inspected for conformance to proper specifications, prior to their use.

(3) does not include any secondary package, implement or container used for storing large quantities of PACKAGED FOODS.

For more information, see content document attached: *Proposal to Review the Definitions of "Utensil" and "Equipment" provided in the 2017 Food Code and ensuring their relation with the "Food-contact surface" Definition.*

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Content Documents:

- "Proposal to Review the Definitions of "Utensil" and "Equipment""

Supporting Attachments:

- "Key References"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-012

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: 2018-I-032; new or additional information has been included or attached and the recommended solution has been revised.

Title:

Use Limitation of Untreated Wood for Cooking Surface

Issue you would like the Conference to consider:

Revision of 4-101.17 Wood, Use limitations... to include single use cedar planks.

Public Health Significance:

None. To date, there is no record of a foodborne illness linked to the use of cedar planks. In addition, the FDA has recognized Cedar (*T. occidentalis*) as GRAS under 21 CFR part 172. (1)

Approved for use in manufacturing under the previous mentioned CFR, approved for use in Seafood HACCP in manufacturing, and CDC has granted variances to cruise ships for use on the ship as a cooking and serving utensil. (2)

Recommended Solution: The Conference recommends...:

Section 4-101.17 Wood, Use Limitations...

(A) Except as specified in paragraphs (B), (C), ~~and~~ (D), and (E) of this section, wood and wood wicker may not be used as a FOOD-CONTACT SURFACE.

(E) Untreated cedar wood planks that are intended to be a food contact surface may be used as a single-use cooking utensil and may subsequently be used as the serving food contact surface. if used as cooking utensil may then be used to serve on.

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Supporting Attachments:

- "21 CFR"
- "CDC Variances"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Adding Utensils and other Food Contact Items to 7-203.11

Issue you would like the Conference to consider:

Section 7-203.11 of the 2017 Food Code prohibits FOOD from being stored or transported in, or dispensed from, "A container previously used to store POISONOUS OR TOXIC MATERIALS...". The same prohibition should also explicitly apply to EQUIPMENT, UTENSILS, LINENS, SINGLE-SERVICE, or SINGLE-USE ARTICLES.

Public Health Significance:

UTENSILS that contact containers previously used with POISONOUS OR TOXIC MATERIALS could pick up residues of the POISONOUS OR TOXIC MATERIALS. The 2017 Food Code prohibits the use of such containers with FOOD but does not explicitly extend that prohibition to EQUIPMENT, UTENSILS, LINENS, SINGLE-SERVICE, or SINGLE-USE ARTICLES. The addition of EQUIPMENT, UTENSILS, LINENS, SINGLE-SERVICE, or SINGLE-USE ARTICLES to 7-203.11 will add clarity and help protect public health by making it clear that EQUIPMENT, UTENSILS, LINENS, SINGLE-SERVICE, or SINGLE-USE ARTICLES could also be contaminated if they contact containers that have previously been used to store POISONOUS OR TOXIC MATERIALS.

Recommended Solution: The Conference recommends...:

The Conference recommends that a letter be sent to the FDA requesting that Section 7-203.11 of the most current edition of the Food Code be amended as follows (new language is underlined; existing language to be deleted is in strikethrough format):

A container previously used to store POISONOUS OR TOXIC MATERIALS may not be used to store, transport, or dispense FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE or SINGLE-USE ARTICLES.^P

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-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:

Enhancing Protection of Food Contact Surfaces - Section 3-304.11

Issue you would like the Conference to consider:

Section 3-304.11 of the Food Code would be enhanced by adding explicit requirements that food contact surfaces may not be used if they have been contaminated.

Public Health Significance:

Explicitly prohibiting food contact surfaces from being used if they have not been handled or stored in a way that prevents contamination would protect food and prevent foodborne illnesses.

Recommended Solution: The Conference recommends...:

The Conference recommends that a letter be sent to FDA recommending that Sections 3-304.11 and 4-502.13 of the Food Code be amended as follows:

3-304.11 Food Contact with Equipment and Utensils.

FOOD shall only contact surfaces of:

(A) EQUIPMENT and UTENSILS that are cleaned as specified under Part 4-6 of this Code, and SANITIZED as specified under Part 4-7 of this Code, and handled as specified under Part 4-9 of this Code; ^P

(B) SINGLE-SERVICE and SINGLE-USE ARTICLES that are handled as specified under Part 4-9 of this Code; ^P or

(C) LINENS, such as cloth napkins, as specified under § 3-304.13 that are laundered as specified under Part 4-8 of this Code and handled as specified under Part 4-9 of this Code. ^P

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Amend Code to Include authority to conduct foodborne illness investigations

Issue you would like the Conference to consider:

We would like for the U.S. Food and Drug Administration (FDA) to add language to provide the authority for a regulatory and/or health authority to investigate reports of foodborne illness.

Currently, the Food Code does not provide an explicit authority for regulatory/health authorities to gather information for a foodborne illness investigation. It contains authorities to gather information on code compliance (what is currently occurring) for plan review (what will occur in the future) but lacks the explicit authority to look at what happened in the past (which is the primary focus of a foodborne illness investigation).

Furthermore, FDA Voluntary National Retail Food Program Standards (VNRFPS) standard 5 assesses whether a regulatory program has developed policies to investigate foodborne illness. These policies implicitly rely on States' public health authorities for preventing disease transmission. Creating this explicit authority in the Food Code will ensure that all jurisdictions that adopt the Food Code will have the same baseline authority to investigate foodborne illness.

Public Health Significance:

Every year in the United States there are millions of cases of foodborne illness (Scallan et al., 2011), and a majority of these cases are attributable to food establishments (Jones & Angulo, 2006). Investigation of these reports of illness is of paramount importance to: a) stop additional people from being exposed and becoming ill; b) understand the system failure within a food establishment that led people to become ill; and c) identify a source of contaminated food that may have entered the food establishment.

The Food Code appendix 2's supporting documents reference the Voluntary National Retail Food Program Standards along with the Council to Improve Foodborne Outbreak Response's Guidelines for Foodborne Outbreak Response. Both documents include the need for investigating foodborne illness outbreaks.

Conducting investigations into how people became sick is an integral part of a food safety program. By understanding the system failures that resulted in a foodborne outbreak, practices can be changed to prevent the failure from happening in the future. Because of the investigation's importance, FDA includes this subject matter in VNRFPS standard 2 under the epidemiology construct and IFPTI includes this as a foundational element for the basic competency level. Additionally, the important nature of this work has developed additional advanced courses (e.g., FDA ER324 Epi-Ready for Response Teams, and CDC's Environmental Assessment Training Series).

Jones, T. F., & Angulo, F. J. (2006). Eating in Restaurants: A Risk Factor for Foodborne Disease? *Clinical Infectious Disease*, 43, 1324-1328. doi:1058-4838/2006/4310-0017

Scallan, E., Hoekstra, R. M., Angulo, F. J., Tauxe, R. V., Widdowson, M. A., Roy, S. L., . . . Griffin, P. M. (2011). Foodborne illness acquired in the United States--major pathogens. *Emerg Infect Dis*, 17(1), 7-15. doi:10.3201/eid1701.091101p1

Recommended Solution: The Conference recommends...:

The Conference recommends....

that a letter be sent to the FDA requesting that Chapter 8 of the most current published version of the Food Code be amended to include:

8-102.10 (C)

The REGULATORY AUTHORITY shall be provided access to all facilities, EQUIPMENT, FOOD, personnel, and existing records when needed during a foodborne illness investigation.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Interpretation of Food Code for obtaining consumer purchase records

Issue you would like the Conference to consider:

We would like for the U.S. Food and Drug Administration (FDA) to provide a Food Code interpretation to inform regulatory authorities that Food Code Sections 8-304.11(H) provides sufficient authority to the regulatory authority to obtain existing consumer food product purchase records from food establishments during foodborne illness investigations.

Food Code section 8-304.11(H) states that the permit holder shall:

Comply with directives of the REGULATORY AUTHORITY including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the REGULATORY AUTHORITY in regard to the PERMIT HOLDER'S FOOD ESTABLISHMENT or in response to community emergencies; Section 8-304.11(H) provides sufficient authority to the regulatory authority to gather information (including existing records) to identify a contaminated food ingredient that may have entered the establishment and initiate a traceback to the supplier of the product.

Public Health Significance:

Every year in the United States there are millions of cases of foodborne illness (Scallan et al., 2011), and a majority of these cases are attributable to food establishments (Jones & Angulo, 2006). Investigation of these reports of illness is of paramount importance to: a) stop additional people from being exposed and becoming ill; b) understand the system failure within a food establishment that led people to become ill; and c) identify a source of contaminated food that may have entered the food establishment. In addition, quickly identifying the source of outbreaks through consumer purchase records is crucial to identify the specific product so that public health advisories can warn consumers to avoid certain implicated products instead of broad categories (such as Romaine, tomatoes or papayas). Such advisories have an enormous economic impact on the food sector and retail food establishments. Solving outbreaks quickly using consumer purchase records also reduces the number of people that may become ill and subsequent industry liability. Some

regulatory authorities have been denied access to consumer food product purchase information, and clarification that the Food Code provides authority to access these records will reduce illnesses and associated economic impacts.

The Food Code appendix 2's supporting documents reference the Voluntary National Retail Food Program Standards (VNRFPS) along with the Council to Improve Foodborne Outbreak Response's Guidelines for Foodborne Outbreak Response. Both documents include the need for investigating foodborne illness outbreaks and having the ability to trace food back to its source.

Jones, T. F., & Angulo, F. J. (2006). Eating in Restaurants: A Risk Factor for Foodborne Disease? *Clinical Infectious Disease*, 43, 1324-1328. doi:1058-4838/2006/4310-0017

Scallan, E., Hoekstra, R. M., Angulo, F. J., Tauxe, R. V., Widdowson, M. A., Roy, S. L., . . . Griffin, P. M. (2011). Foodborne illness acquired in the United States--major pathogens. *Emerg Infect Dis*, 17(1), 7-15. doi:10.3201/eid1701.091101p1

Recommended Solution: The Conference recommends...:

The Conference recommends....

that a letter be sent to the FDA requesting an interpretation of the Food Code clarifying that Section 8-304.11(H) coupled with 8-402.11 provide sufficient authority for a regulatory authority to conduct a foodborne illness investigation and obtain access to existing consumer food purchase data.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-017

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: 2018-I-027; new or additional information has been included or attached and the recommended solution has been revised.

Title:

Obtain Purchase Information as part of a Foodborne Outbreak Investigation

Issue you would like the Conference to consider:

We would like for the U.S. Food and Drug Administration (FDA) to add 8-304.11(L) to include providing available consumer purchase records to facilitate quicker identification of a food product that may be causing illness.

This will codify an existing practice and provide uniformity to both regulatory and industry segments about expectations, processes, and use of data. Many retailers already provide consumer purchase information; however, variations exist in the processes that retailers use to share this information, and the timeliness with which they provide it.

Public Health Significance:

Every year in the United States there are millions of cases of foodborne illness (Scallan et al., 2011). The U.S. Centers for Disease Control and Prevention's (CDC) Foodborne Disease Outbreak Surveillance System has identified an increase in multistate outbreaks from 2010-2014 (the most recent years available). While these multistate outbreaks comprise 3% of all reported outbreaks they account for 11% of the reported illnesses, 34% of the reported hospitalizations, and 56% of the reported deaths attributable to foodborne outbreaks (Crowe, Mahon, Vieira, Gould, & Report, 2015).

Quick and efficient identification of hazardous food products and their removal from commerce is critically important to minimize the number of people that become ill. Challenges to solving foodborne outbreaks include delays in reporting illnesses and consumer recall of potential exposures (such as brand and variety of food purchased). During multistate outbreaks, when people are geographically dispersed, purchase information is critical to identify a common source. Using consumer purchase data has assisted in the identification of contaminated product in outbreaks and allowed for its

removal from commerce (Barret et al., 2013; Miller, Rigdon, Robinson, Hedberg, & Smith, 2013; Møller, Mølbak, & Ethelberg, 2018).

A recent Association of Food and Drug Officials (AFDO) survey of state health and agriculture departments found that 41% of the responding jurisdictions already have authority to collect consumer food purchase information (personal communication). However, the structure and language of the authorizing legislation varies tremendously between States. By harmonizing the language in the Food Code, it will provide a uniform standard for industry to address requests for consumer purchase information.

Once an individual is diagnosed with a foodborne illness, they typically are interviewed about potential exposures by the public health program. During this interview, the patient may be asked where they have shopped for food, if investigators can access their purchase records, and for the account number or last several digits of their credit card. Provision of the account number or last several digits of the credit card number by the patient to investigators should suffice as evidence of consent.

During the 2018 biennial meeting, a concern was raised that some industry members also have stores in the European Union (EU) and that this may violate the EU's General Data Protection Regulation (GDPR). We believe that this would meet the intent of explicit consent within the GDPR regulations and would also at a minimum meet the standard for implied consent within the United States. The GDPR standard for explicit consent requires the information to be: 1) freely given; 2) specific and informed; and, 3) an unambiguous indication (by statement or clear affirmative action). Once an individual is diagnosed with a foodborne illness, public health officials may interview them about potential exposures including their food history and where they have shopped. During this interview, the patient may be asked if investigators can access their purchase records, and for the account number or last several digits of their credit/debit card. Provision of the account number or last several digits of the credit/debit card by the patient to investigators should suffice as evidence of consent. Additionally, any information obtained by the regulatory/health authorities would be covered under the same data protection laws that public health jurisdictions use to protect all investigation data (e.g., all other exposure/food consumption information provided by the patient during an interview).

Another concern voiced at the 2018 biennial meeting is that food establishments may be subject to the Health Insurance Portability and Accountability Act (HIPAA) regulations and that releasing any information may violate those requirements. 45CFR164.512(b) provides an exception for public health activities which allows disclosure of protected health information to prevent or control disease.

An additional concern was raised that some existing terms of service for industry incentive programs would not allow for this type of data sharing. However, by including this provision in the Food Code, the legal requirement would have precedent over the terms of service and would allow for data sharing.

A comprehensive best practices document is being finalized by the Shopper History Outbreak Partnership (SHOP), a group of state and federal public health and regulatory officials committed to identifying and promoting best practices for the use of shopper history during foodborne outbreaks to rapidly identify contaminated foods and prevent additional illness. The document, titled "Shopper History: Best Practices for use during Foodborne Illness Investigations", addresses the concerns that surfaced during the 2018

biennial meeting including data maintenance and confidentiality considerations. The finalized version will be posted at <http://www.afdo.org/shopper-cards> [afdo.org].

By adding these provisions to the Food Code, we will be able to: 1) more frequently and more quickly identify and remove food items that may be causing illness and, 2) provide a uniform standard for industry to address purchase history requests.

Barret, A. S., Charron, M., Mariani-Kurkdjian, P., Gouali, M., Loukiadis, E., Poinet-Leroux, B., . . . Mailles, A. (2013). Shopper cards data and storage practices for the investigation of an outbreak of Shiga-toxin producing *Escherichia coli* O157 infections. *Médecine et Maladies Infectieuses*, 43(9), 368-373. doi:<https://doi.org/10.1016/j.medmal.2013.05.004>

Crowe, S. J., Mahon, B. E., Vieira, A. R., Gould, L. H. J. M., & Report, M. W. (2015). Vital signs: multistate foodborne outbreaks-United States, 2010-2014. *64*(43), 1221-1225.

Miller, B. D., Rigdon, C. E., Robinson, T. J., Hedberg, C., & Smith, K. E. J. J. o. f. p. (2013). Use of global trade item numbers in the investigation of a *Salmonella* Newport outbreak associated with blueberries in Minnesota, 2010. *76*(5), 762-769.

Møller, F. T., Mølbak, K., & Ethelberg, S. (2018). Analysis of consumer food purchase data used for outbreak investigations, a review. *Eurosurveillance*, 23(24), 1700503. doi:<https://doi.org/10.2807/1560-7917.ES.2018.23.24.1700503>

Scallan, E., Hoekstra, R. M., Angulo, F. J., Tauxe, R. V., Widdowson, M. A., Roy, S. L., . . . Griffin, P. M. (2011). Foodborne illness acquired in the United States--major pathogens. *Emerg Infect Dis*, 17(1), 7-15. doi:10.3201/eid1701.091101p1

Recommended Solution: The Conference recommends...:

The Conference recommends...

that a letter be sent to the FDA requesting that the most current published version of the Food Code be amended as follows:

Add new section 8-304.11(L)

(L) Provide existing customer food purchase records as rapidly as possible with customer consent to the REGULATORY AUTHORITY during a foodborne illness investigation.

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Supporting Attachments:

- "Analysis of consumer food purchase data used for outbreak investigations"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Amend the Food Code to Require Consumer Notification of Food Recalls

Issue you would like the Conference to consider:

This Issue helps to ensure that consumers are notified by food retailers after adulterated food has been offered for sale. During a recall, retailers have a unique role in notifying consumers who have purchased contaminated food. Consumers often return to the same grocery store week after week, affording opportunity to see in-store notices for recalled food purchased on a prior visit. Moreover, grocery stores frequently maintain purchase information through customer loyalty programs, which enables targeted communications directly to affected consumers via email, telephone text, or register printout.

Consumer notification of recalls is recommended as an industry best practice, and the majority of large food retailers have already adopted policies requiring such notice. Unfortunately, the scope and effectiveness of these policies vary, and there are no federal, state, or local standards to ensure effectiveness or appropriate implementation.

Section 211 of the Food Safety Modernization Act aimed to address this problem by authorizing the Food and Drug Administration (FDA) to publish one-page notices for recalled foods online, which grocery stores would then be required to download and post in-store. Unfortunately this authority, which has not been implemented, would be narrower, less efficient, and less informative than alternative methods of communication that could be developed directly by food retailers and their suppliers.

Amending the Food Code to require consumer notification of food recalls offers a more effective means to ensure that consumers are notified of recalls, while also providing flexibility for food retailers in identifying means to achieve that end.

Public Health Significance:

Between 2013 and 2018, the Food and Drug Administration (FDA) and US Department of Agriculture (USDA) together oversaw nearly 4500 food recalls, averaging more than 700 recalls annually. About half of which were Class I recalls, meaning they involved a

reasonable probability of serious adverse health consequences or death.

https://uspirg.org/sites/pirg/files/reports/WEB_USP_Safe-Food-Report_Jan19.pdf.

An important priority during such recall events is ensuring that affected consumers receive timely and actionable information about the recall. Such notices are essential to enable consumers to identify and discard food that may be contaminated, as well as seek out appropriate medical care (e.g. prophylaxis for Hepatitis A exposure).

Consumer notification is especially important when product may be frozen or has a long storage life, meaning purchased food can remain a risk to consumers for weeks or even months after the recall. For example, ground beef tied to a *Salmonella* outbreak recalled in October and December of 2018 continued to sicken dozens of patients for months after. The last case of illness in that outbreak was reported in February 2019, more than four months after the initial recall was initiated. <https://www.cdc.gov/salmonella/newport-10-18/epi.html>. Similarly, flour tied to an *E coli* outbreak was recalled three times between May and July of 2016, yet illnesses from that outbreak continued into September of that year, more than three months after the initial recall. <https://www.cdc.gov/ecoli/2016/o121-06-16/epi.html>. Such long delays between initiation of a recall and onset of illness suggests that contaminated product has the potential remain in consumers' homes for a substantial period, placing unknowing consumers at risk.

When a recall is initiated, the responsible firm generally ensures notice is communicated to customers and retail consignees, providing the information needed to carry out the recall. The federal agencies responsible for overseeing food recalls also conduct audit checks (FDA) and effectiveness checks (USDA) to verify that the recall has been effectively communicated to consignees and affected product is removed from commerce.

Yet the same obligation to communicate food recall information has not been extended to the end purchaser: the consumer. Instead, if consumers learn of recalls at all, the notice is typically relayed through mass media, often now amplified through posting on the FDA or USDA website, media lists, and social media. Consumers surveyed for the 2015 U.S. Grocery Shopper Trends report, issued by the Food Marketing Institute, reported learning about food recalls primarily through television (73 percent), print media (27 percent), or radio (25 percent), with only a small minority reporting having received recall notices from a grocer through in-store postings (12 percent) or email alerts (7 percent). (See Supporting Attachment: 2015 Shopper Trends).

A system driven by media communications is extremely limited: neither the news media nor consumers can reasonably be expected to take notice of hundreds of recalls announced publicly each year, many for products distributed nationwide only to select retailers or food service providers. In contrast to mass announcements, notices issued by grocery stores have the potential to be more effective, because they target information towards the population of shoppers most likely to have purchased the affected food. The average consumer visits the store for groceries 1.6 times per week, often returning to the same store more than once within a few days. <https://stores.org/2019/08/05/are-retailers-prepared-for-the-changing-grocery-shopper/>. This presents an opportunity for shoppers to identify recalled food from a prior visit and dispose of it before it is consumed. In some cases, grocery stores even retain purchase history information, enabling them to send messages via phone, email, and print mail directly to affected consumers.

Consumers have expressed a strong preference for receiving notice in this manner: the 2015 Shopper Trends report cited above found that if given the option, most consumers (58 percent) would prefer to receive recall notifications via email, and many would also like to see notices posted where the product is sold (40 percent) or at the checkout register (26 percent). (See Supporting Attachment: 2015 Shopper Trends).

Many grocery stores have already responded to this interest by adopting policies requiring consumer notification of recalls. A 2010 study commissioned by FMI and the Grocery Manufacturers Association (GMA) showed that 69 percent of major food retail companies surveyed reported posting signage in-store as part of the recall notification process.

https://www.gmaonline.org/downloads/research-and-reports/WP_RecallExecution.pdf.

Another survey published in 2016 by the Center for Science in the Public Interest (CSPI) (the organization submitting this Issue) found that 15 out of 16 respondents posted recall notices in-store. <https://cspinet.org/resource/building-food-recall-system-really-protects-consumers>. Moreover, CSPI found that 8 of 9 respondents with customer loyalty programs used the information from those programs to alert customers to food recalls affecting products they purchased.

In-store notification of recalls is recommended as a retailer best practice: The Food Marketing Institute (FMI) provides guidance recommending that consumer notifications be posted in the store, directly to the consumer (e.g. via email, phone, or mail), or other means for at least two weeks following the recall. <https://www.fmi.org/docs/default-source/food-safety/guidance-for-food-retail-product-recall.pdf?sfvrsn=2>.

In spite of this declared progress, many recall notices are still not effectively reaching consumers. As noted above, the FMI's 2015 Shopper Trends report showed that only a small minority of consumers report receiving recall notices from their grocers through in-store postings (12 percent) or email alerts (7 percent). This may be attributable to the fact that the design, coverage and consistency of the postings varies by store. The 2016 survey by CSPI found that the location, prominence, and information provided in recall postings varied substantially. Some store had no store-wide policy for posting location, leaving discretion to managers in determining where to post notices. Others limited the postings to certain foods, such as produce or products made on the premises.

Section 211 of the Food Safety Modernization Act (FSMA) aimed to remedy this problem by authorizing the FDA to publish one-page notices for foods listed in the Reportable Food Registry (RFR), and requiring grocery stores to post such notices. Yet Section 211, which has not been implemented by the FDA, is by its nature limited to FDA-regulated foods, meaning it would fail to cover meat and poultry. It is important for recall notification policies to cover such products, which are often a source of illness and can be frozen, posing a threat long after a recall.

Section 211 also hinges on a cumbersome process: first, the recalling firm must submit consumer-oriented information to the RFR within 24 hours of learning of an issue. Then the agency must generate and post a one-page summary of the information on the government's website. Grocery stores with more than 15 locations who sold the food are obligated to post either the one-page summary "or the information from such summary" within 24 hours of posting. Yet relying on such notices conveyed through the RFR and FDA's website could substantially slow notification, as food retailers have report they often receive information from suppliers well before it is posted in the RFR.

<https://www.federalregister.gov/documents/2014/03/26/2014-06614/implementation-of-the-food-and-drug-administration-food-safety-modernization-act-amendments-to-the>.

In addition, Section 211 does not require the standardized information from such notices to include the reason for the recall, a key piece of information in light of the fact that many recalls involve undeclared allergens that pose a health hazard to only a subset of consumers.

The notification system laid out under Section 211 is therefore potentially slower and less informative than an alternative system under which consumer-targeted information is transmitted directly to stores by the recalling firm.

Such a system could be required directly under the Food Code, which could fill a key gap in the current system by ensuring that recall communications delivered through the supply chain reach all the way to the end user: the consumer. Such a policy would re-enforce existing voluntary practices by creating additional incentives for retailers and their suppliers to improve the quality and consistency of consumer-directed recall communications.

Any Food Code requirement could also be harmonized with Section 211, by ensuring that notices required under the Food Code include all of the consumer-oriented information that would be submitted to the RFR were the agency to implement Section 211. Notices generated to satisfy the requirements of the Food Code would then also be compliant with the requirements of Section 211 in the event that the agency moves forward with this authority.

Recommended Solution: The Conference recommends...:

The Conference recommends that a letter be sent to the FDA requesting that the Food Code be amended to add, after Section 3-603.11 (Consumer Advisory), a section requiring that food establishments post notification to consumers when food sold for consumption off the premises is later subject to a recall. This new section should be harmonized with the requirements of Section 211 of the Food Safety Modernization Act and generally conform to the following criteria:

Consumer-oriented recall notices should be developed in conformance with the FDA's guidance on Public Warning and Notification of Recalls, which generally recommends a public warning be issued for recalls that are likely to be classified as Class I recalls unless specific circumstances indicate that the warning would not be beneficial to the public.

<https://www.fda.gov/media/110457/download>.

Such notices should be posted for a minimum of two weeks and should be prominently and conspicuously located at the primary point of display for the recalled food, at the register, or other such locations and manners as will provide comparable notification to consumers.

If the food establishment maintains purchase history information for individual consumers, the notices may also be directed to such consumers via email, phone, mail, print-out at the register, or other such methods as will provide comparable notification to consumers.

The content for such notices should include a product description, identification code such as a UPC or sell by/use by date, contact information for the party responsible for the recall, as well as the reason for the recall, if known (such as undeclared allergen, specific pathogen, or foreign material contamination).

Instructions for enforcement of this section should be added to Annex 5 after 3.G.12. (Assessing Compliance with Consumer Advisory). The instructions should establish a process whereby the inspector may verify compliance with the requirement using either records provided by the Food and Drug Administration or records requested from the person in charge at the food establishment.

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Supporting Attachments:

- "U.S. Grocery Shopper Trends 2015"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-019

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: 2018-I-031; new or additional information has been included or attached.

Title:

Storage in Toilet Rooms

Issue you would like the Conference to consider:

Amend Food Code 3-305.12(B), 4-401.12(A)(2), and 4-903.12(A)(2) from Core to the appropriate Priority Foundation designation.

Public Health Significance:

Currently, storing food in a toilet room has the designation as a 'Core' violation. We have the opportunity to address potential contamination from the top source of Food borne illness in a more proactive manner. By changing the way food and single-service items are stored, we are shutting down a major pathway of pathogenic contamination.

Norovirus, which as you know is the leading cause of Foodborne illness (58% of cases) in the United States. CDC states that by 5 years of age, an estimated 1 in 287 of children will be hospitalized, 1 in 14 will visit an emergency room, and 1 in 6 will receive outpatient care for norovirus illness; costing an average of \$2 billion per year.

(<https://www.cdc.gov/norovirus/trends-outbreaks/burden-US.html>) 22% of those are directly tied to a commercial kitchen. (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6361381/>) It is a highly contagious virus that requires as few as 10-18 particles to get a person sick. It has the ability to re-infect by remaining on hard surfaces, many weeks after initial contamination. It states directly from the Food Code Annex : "A recent study has also shown that the bathroom environment was identified as a major reservoir of human Norovirus, even in the absence of an ill individual on site. Studies have shown that Norovirus can survive on fomite surfaces for up to at least 5 days at room temperature and that routine cleaning, without a disinfectant specifically to address Norovirus, may be ineffective in eliminating its presence on fomite surfaces and can even serve as a means of spreading the virus to other fomites."

The first place a sick person will retreat to (if they are so lucky) will be the toilet room. If this bathroom is a shared bathroom with customers and employees, management might not be

privity to outside use by customers who are sick. Research shows that asymptomatic individuals may play more of a role in the transmission than previously thought. ([https://www.thelancet.com/journals/eclinm/article/PIIS2589-5370\(18\)30026-9/fulltext](https://www.thelancet.com/journals/eclinm/article/PIIS2589-5370(18)30026-9/fulltext))

Employees may not know they have the virus initially, as most do not have sick time pay. Should disinfection of the contaminated area not occur immediately, one study show that the virus particles associated with "toilet plume" be spread even after 6 flushes. (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4692156/>) Storing food, sanitized equipment, linens, single-service and single-use articles in these areas would be directly affected.

A proactive approach to preventing further contamination would be designating the aforementioned violations as Priority Foundation. This will accomplish two objectives directly related to food safety. It communicates the importance of minimizing risk to managers and employees. Also, it gives regulators leverage to have these violations corrected sooner than 90 days, although realistically most cores will be addressed during the next routine inspection. If the issue still isn't fixed, it can take up to 3 repeats, which is up to 1.5 years after the initial time it was observed and noted during inspection. A Priority Foundation designation will require a fix within 10 days.

2-501.11 Clean-up of Vomiting and Diarrheal Events requires establishments to have written procedures to address vomiting or diarrheal events. If having the mere written documentation to minimize exposure of consumers, food, and surfaces is a Priority Foundation, then minimizing risk of initial exposure surely would be the same.

The following are priority violations that would be supported:

2-201.11 Responsibility of Permit Holder, Person in Charge, and Conditional Employees.

3-101.11 Safe, Unadulterated and Honestly Presented

3-301.11 Preventing contamination from Hands

3-307.11(C)(D) Discarding or Reconditioning Unsafe, Adulterated, or Contaminated Food

Recommended Solution: The Conference recommends...:

A letter be sent to FDA requesting amending the following sections of the most current addition of the Food Code from Core designation to Priority foundation (Pf) designation:

3-305.12(B), Food Storage, Prohibited Areas to (B) In toilet rooms ^{Pf.}

4-401.11 Equipment, Clothes Washers and Dryers and Storage Cabinets, Contamination Prevention (A)(2) In toilet rooms ^{Pf.};

4-903.12 Prohibitions (A)(2) In toilet rooms ^{Pf.}

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Supporting Attachments:

- "Quantitative Risk Assessment of Norovirus Transmission"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Sanitation Controls at Community Kitchens (AKA: Shared-Kitchens, Incubators)

Issue you would like the Conference to consider:

Lack of awareness, ownership & accountability for sanitary standards is a common theme observed during audits we've conducted in community kitchen settings. This includes the upkeep of the facilities (floors, walls, ceilings, related structures & welfare facilities) as well the sanitation of shared food processing equipment (FCS & NFCS) prior and in between uses. This is routinely demonstrated by:

1. The staff that is assigned to these tasks often do not have formal sanitation training and do not demonstrate proficiency in cleaning and sanitizing objectives and inspection standards.
2. Ownership does not have formal Sanitation SOP procedures in place (no pre or operation sanitation inspections/checklists)
3. Tenants of the shared spaces often report that maintenance work order related requests are typically met with slow response time and ineffective corrective actions.
4. Audits that we have conducted reveal that obvious deficiencies are either not being seen or not being attended to (we often point out deficiencies in very basic, fundamental requirements - broken or empty soap dispensers, broken dishwashing machines, leaks, etc.)
5. Confusion as to who is responsible for verifying the sanitation of common areas and shared equipment is a common theme amongst both ownerships and operators.

Public Health Significance:

Since a wide variety of foods are being prepared in these facilities, including many RTE food products, the lack of effective sanitation programs poses risk for *Listeria* & other pathogenic contamination as well allergen cross-contact/cross-contamination.

Recommended Solution: The Conference recommends...:

a committee be created to identify concerns with shared kitchens. The committee charges are....

- 1. clearly identify roles and responsibilities amongst and between parties (tenant and facility management/ownership),*
- 2. Identify job-specific training to reduce gaps in the prevention of food safety hazards (i.e. - facility porters commonly assigned to sanitation tasks do not have formal training on basic sanitary standards),*
- 3. Recommend preventive controls based on the risks commonly associated with the diverse operations conducted within (examples. - Pre-operational and operation self-monitoring inspections are not commonly practiced (SSOPs), effective allergen cross-contact prevention procedures are not in place for shared equipment exposed to multiple allergen-bearing ingredients, facilities are commonly ill-equipped for the rapid and continuous cooling of TCS foods)*
- 4. Recommend active managerial controls from an overall facility food safety oversight perspective (As just one of many examples - in a scenario where multiple foodservice operations are working in a common/shared production area and an unforeseen hazard was suddenly introduced [someone left the back door open allowing a swarm of flies to enter], who would take action to identify and eliminate this potential public health hazard?) It's highly unlikely that an independent operator would lead that charge, but without a qualified and dedicated individual on the facility management team who is charged with that level of oversight and control, it is highly likely that scenarios like this one would go without proper corrective actions or preventive measures.*
- 5. Report back to the 2022 biennial meeting of the Conference for Food Protection*

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Supporting Attachments:

- "AFDO Guidelines for Incubator Kitchens (abbreviated copy)"
- "DC Shared Kitchen Audit"
- "LA Shared Kitchen Visit"
- "LA Shared Kitchen Visit (2)"

- "DC Shared Kitchen Audit (2)"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Use of Personal Containers for non-TCS Bulk Foods

Issue you would like the Conference to consider:

Allow the use of personal containers to fill non-TCS bulk foods.

Public Health Significance:

In our current environment, recycling is becoming more popular and the reduction of waste is on the rise. Because the use of bulk foods in grocery store settings are also on the rise, the reduction of plastic waste is important. Most environmentally conscience individuals now shop with reusable bags and would like the option to do the same when buying non-TCS bulk foods.

Recommended Solution: The Conference recommends...:

The Conference recommends....

That a letter be sent to the FDA requesting that Section 3-304.17 of the most current edition of the Food Code be amended as follows:

(F) Consumer-owned containers may be filled with non-TCS bulk foods.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-022

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 to Harmonize the Definition Reusable Container

Issue you would like the Conference to consider:

The language in Food Code 2017 does not provide adequate guidance on allowed practices surrounding several emerging reuse scenarios in food retail. These include but are not limited to the use of customer owned containers in restaurants, markets, temporary food facilities and closed loop schemes.

Of specific concern is the interchangeable use of undefined terms: returnable, reusable, and take-home- in reference to refillable containers in section 3-304.17. The opacity of these terms obscures the intended scope of regulated scenarios.

Public Health Significance:

As the "conscious consumption" movement grows, consumers increasingly demand sustainable ways to process, store, and procure food. Food handling regulations must accommodate these new ways to reduce waste and excess packaging. Reducing uncertainty in the language of the regulation encourages food handling practices that are both safe and sensitive to these emerging values and preferences.

What's more, updates to the Food Code will have strong downstream benefits for state and regional regulatory agencies who rely on federal synthesis of pertinent issues in the retail and food service landscape. Significant time and resources can be saved by agencies and industry alike with the adoption of guidance that is clear and uniformly enforceable. Consensus on comprehensive reusable standards by the Conference is critical for progress, and with a four year interval between Food Code updates, the time to address these scenarios is now.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that the most current edition of the Food Code be amended to update the title of section 3-304.17 from "Refilling Returnables" to "Filling

Reusable Containers" and further include a definition of a "Reusable Container" in section 1-2 Definitions.

New language should be based on the following, proposed definition:

Reusable Container means 1) a vessel under the ownership or care of the CONSUMER, which is intended for filling with FOOD or BEVERAGE at the FOOD ESTABLISHMENT. 2) is designed and constructed for reuse in accordance with the requirements specified under Parts 4-1 and 4-2.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Amend Food Code to Address New Reusable Scenarios in Food Retail

Issue you would like the Conference to consider:

The language in Food Code 2017 does not provide adequate guidance on allowed practices surrounding several emerging reuse scenarios in food retail. These include but are not limited to the use of customer-owned containers in restaurants, markets, temporary food facilities and closed loop schemes.

The mixed terms used in the current Code, specifically section 3-304.17, are undefined and therefore the scenarios intended for regulation are ambiguous. This ambiguity, in conjunction with an exception as opposed to rule-based orientation makes for guidance that resists complete understanding by either agency or industry audiences.

Public Health Significance:

As the "conscious consumption" movement grows, consumers increasingly demand sustainable ways to process, store, and procure food. Food handling regulations must accommodate these new ways to reduce waste and excess packaging. Reducing uncertainty in the language of the regulation encourages food handling practices that are both safe and sensitive to these emerging values.

What's more, updates to the Food Code will have strong downstream benefits for state and regional regulatory agencies who rely on federal synthesis of pertinent issues in the retail and food service landscape. Significant time and resources can be saved by agencies and industry alike with the adoption of guidance that is clear and uniformly enforceable. Consensus on comprehensive reusable standards by the Conference is critical for progress, and with a four year interval between Food Code updates, the time to address these scenarios is now.

Recommended Solution: The Conference recommends...:

that section 3-304.17 proactively address a wider range of scenarios by clarifying safety standards surrounding the use of reusable containers, including but not limited to:

1. Replacement of conflicting or ambiguous terms: Taking inspiration from recent CA legislation (see "Assembly Bill No 619 in Supporting Attachments), define reusable containers as those either provided by or returned to the food facility.
2. Better identify the scenarios being regulated: Stipulate that for ready-to-consume TCS foods, reusable containers must be designed and constructed for reuse per Section 3-304.17(B)(1) of the Code. Remove the arbitrary distinction between food and beverage handling scenarios, with the exception of water vending.

The Conference further recommends a letter be sent to the FDA requesting that the most current edition of the Food Code be amended to replace section 3-304.17 with new language below. Explanatory notes are found in the attached content document entitled "Refilling Reusables Language".

3-304.17 Refilling Returnables Refilling Reusable Containers

~~(A) Except as specified in ¶¶ (B)–(E) of this section, empty containers returned to a FOOD ESTABLISHMENT for cleaning and refilling with FOOD shall be cleaned and refilled in a regulated FOOD PROCESSING PLANT.~~

(A) A reusable container is designed and constructed for reuse in accordance with the requirements specified under Part 4-1 and 4-2.

~~(B) A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with FOOD if the FOOD container is:~~

(B) Only reusable containers returned to a food establishment may be refilled with ready-to-eat or TCS foods either by a food employee or the consumer, except as specified in ¶¶ (1)-(2) of this section.

~~(1) Designed and constructed for reuse and in accordance with the requirements specified under Part 4-1 and 4-2;~~

(1) A consumer-owned container not specifically designed for reuse may be refilled by the same consumer with a non-TCS food or beverage in a contamination-free transfer process.

~~(2) One that was initially provided by the FOOD ESTABLISHMENT to the CONSUMER, either empty or filled with FOOD by the FOOD ESTABLISHMENT, for the purpose of being returned for reuse;~~

(2) Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

~~(3) Returned to the FOOD ESTABLISHMENT by the CONSUMER after use;~~

~~(4) Subject to the following steps before being refilled with FOOD: (a) Cleaned as specified under Part 4-6 of this Code;~~

~~(b) Sanitized as specified under Part 4-7 of this Code; P and~~

~~(c) Visually inspected by a FOOD EMPLOYEE to verify that the container, as returned, meets the requirements specified under Part 4-1 and 4-2. P~~

~~(C) A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with BEVERAGE if:~~

~~(1) The BEVERAGE is not a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD-~~

~~(2) The design of the container and of the rinsing EQUIPMENT and the nature of the BEVERAGE, when considered together, allow effective cleaning at home or in the FOOD ESTABLISHMENT;~~

~~(3) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;~~

~~(4) The CONSUMER-owned container returned to the FOOD ESTABLISHMENT for refilling is refilled for sale or service only to the same CONSUMER; and-~~

~~(5) The container is refilled by:~~

~~(a) An EMPLOYEE of the FOOD ESTABLISHMENT, or-~~

~~(b) The owner of the container if the BEVERAGE system includes a contamination-free transfer process as specified under §§ 4-204.13(A), (B), and (D) that cannot be bypassed by the container owner.~~

(C) Establishment-owned, managed, or provided reusable containers returned to a food establishment for refilling with food shall be cleaned as specified under Part 4-6 and sanitized as specified under Part 4-7 of this Code prior to refilling.

~~(D) Consumer-owned, personal take-out BEVERAGE containers, such as thermally-insulated bottles, nonspill coffee cups, and promotional BEVERAGE glasses, may be refilled by EMPLOYEES or the CONSUMER if refilling is a contamination-free process as specified under §§ 4-204.13(A), (B), and (D).~~

(D) Reusable containers returned to a food establishment for refilling by a food employee or the consumer must be refilled in a contamination-free transfer process such that:

(1) Any consumer-owned container is isolated from food-serving surfaces or such surfaces are sanitized by an employee after each filling.

(2) The food establishment shall prepare, maintain and adhere to written procedures to prevent cross-contamination which additionally address waste water disposal. The food establishment shall make the written procedures available to the enforcement agency upon request.

~~(E) CONSUMER-owned containers that are not FOOD-specific may be filled at a water-VENDING MACHINE or system.~~

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Content Documents:

- "Refilling Reusables Language"
- "Refilling Reusables Proposed Requirements"

Supporting Attachments:

- "Assembly Bill No. 619"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Creation of a Committee - Address Reusable Scenarios in Food Retail

Issue you would like the Conference to consider:

The language in Food Code 2017 does not provide adequate guidance on allowed practices surrounding several emerging reuse scenarios in food retail. These include but are not limited to the use of consumer-owned containers in restaurants, markets, temporary food facilities and closed loop schemes.

The current code is exception instead of rule-based on this matter, to the extent that the guidance is nearly unreadable. Moreover, the current code does not universally differentiate between consumer-owned and food establishment-owned containers. This leaves significant room for interpretation, with the undesirable consequences of varied enforcement and stakeholder uncertainty.

Public Health Significance:

As the "conscious consumption" movement grows, consumers increasingly demand sustainable ways to process, store, and procure food. Food handling regulations must accommodate these new ways to reduce waste and excess packaging. Reducing uncertainty in the language of the regulation encourages food handling practices that are both safe and sensitive to these emerging values and preferences.

What's more, updates to the Food Code will have strong downstream benefits for state and regional regulatory agencies who rely on federal synthesis of pertinent issues in the retail and food service landscape. Significant time and resources can be saved by agencies and industry alike with the adoption of guidance that is clear and uniformly enforceable. Consensus on comprehensive reusable standards by the Conference is critical for progress, and with a four year interval between Food Code updates, the time to address these scenarios is now.

Recommended Solution: The Conference recommends...:

That a committee be created to address the safe use of reusable containers in restaurants, markets, temporary food facilities and vending. This includes a review of the Food Code, specifically section 3-304.17,

Scenarios for Committee consideration:

- The use of consumer-owned containers for the sale of bulk dry goods, baked goods, and other food categories
- The filling of customer-owned containers for restaurant takeaway (dining & to-go)
- The appropriate handling of Time/Temperature Control for Safety Foods when sold in reusable containers

The Committee charges are:

1. Clarify the scenarios within the scope of regulation.
2. Develop a comprehensive policy proposal for reusables.
3. Draft recommended guidance around those scenarios.
4. Report back to the 2022 Biennial Meeting the committee findings and recommendations.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-025

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:

Amend Food Code– Update definitions in relation to food for animals

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 definitions to be able to achieve this should be considered. Modify the definition of "food" to align more with the Federal definition of food to include food for animals should be considered. Modify the definition of "food establishment" to ensure this change should only be effective at existing establishments, therefore exclude establishments that exclusively prepare, sell, or hold food for animals. Modify the definition of "ready-to-eat food" to account for uncooked or partially cooked food for animals such as but not limited to raw pet food or dried pet treats.

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 definitions in the Food Code is recommended. To enact these updates a letter should be sent to FDA requesting the amendment of relevant definitions 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 §1-201.10(B) of the most recent edition of the Food Code be amended as follows (new language underlined, deleted language strikeout):

"Food" means a raw, cooked, or processed edible substance, ice, BEVERAGE, or ingredient used or intended for use or for sale in whole or in part for human or other animal consumption, or chewing gum.

Food Establishment.

(1) "Food establishment" means an operation that:

(a) stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides FOOD for human consumption such as a restaurant; satellite or catered feeding location; catering operation if the operation provides FOOD directly to a CONSUMER or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; ~~or~~ FOOD bank; or stores FOOD for animal consumption; and

(b) relinquishes possession of FOOD to a CONSUMER directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(2) "Food establishment" includes:

(a) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the REGULATORY AUTHORITY; and

(b) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the PREMISES; and regardless of whether there is a charge for the FOOD.

(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 produce stand that only offers whole, uncut fresh fruits and vegetables;

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

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

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

(h) An establishment that offers FOOD for animal consumption or serves animals as their main function, such as pet food retail business, a feed store, or a groomer.

(2) "Ready-to-eat food" includes:

(a) Raw animal FOOD that is cooked as specified under § 3-401.11 or 3-401.12, ~~or~~ frozen as specified under § 3-402.11, or uncooked or partially cooked if for animal consumption;

(b) Raw fruits and vegetables that are washed as specified under § 3-302.15;

(c) Fruits and vegetables that are cooked for hot holding, as specified under § 3-401.13;

(d) All TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is cooked to the temperature and time required for the specific FOOD under Subpart 3-401 and cooled as specified under § 3-501.14 or uncooked or partially cooked if for animal consumption;

(e) Plant FOOD for which further washing, cooking, or other processing is not required for FOOD safety, and from which rinds, peels, husks, or shells, if naturally present are removed;

(f) Substances derived from plants such as spices, seasonings, and sugar;

(g) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for FOOD safety;

(h) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured MEAT and POULTRY products, such as prosciutto ham, country cured ham, and Parma ham; and dried MEAT and POULTRY products, such as jerky or beef sticks; and

(i) FOODS manufactured as specified in 21 CFR Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

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Supporting Attachments:

- "Supporting Attachments"

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**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"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Creation of Committee- Review of Food Code in relation to food for animals

Issue you would like the Conference to consider:

Since human foodborne illness as a result of food for animals continues to occur, a creation of a committee should be considered. This committee would examine if adding food for animals to the Food Code with language to help ensure proper storage and handling at the establishments the Food Code regulates is a viable solution to help prevent or reduce such illnesses. Additionally, this committee would review current research, the Preface, Annexes, and/or the need for guidance documents.

Endorsed by Ernest Julian, current AFDO President

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, a creation of a diverse committee to review the Food Code and potential language updates, provide resolutions, and report back to the 2022 CFP Biennial Meeting is recommended. This committee would review the Food Code to reflect safety measures at the retail level for food for animals, specifically at human food establishments to help reduce or prevent human foodborne illness. Potential language updates have been provided as a starting point for this committee.

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 committee with all stakeholders be formed with the following charges:

1. Gather and review relevant research on human foodborne illnesses as a result food for animals;
2. Review the need for or the proposed language updates in the Food Code, Annex, or Preface as necessary, provide resolutions;
3. Review the need for relevant guidance documents or other consumer/industry materials; and
4. Report back with findings and recommendations to the 2022 Conference Biennial Meeting.

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Supporting Attachments:

- "Supporting Attachments"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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 Food Code – Permit Pet Dogs in Outdoor Dining Areas

Issue you would like the Conference to consider:

Within the past 13 years, 19 states and the District of Columbia have adopted policies through various mechanisms to allow pet dogs in outdoor dining areas, a map of which is included as a supporting attachment titled "States Allowing Pet Dogs in Outdoor Dining Areas." However, significant confusion remains for food establishment owners as to whether they are permitted to allow pet dogs in their jurisdiction, and if they are, what additional procedures are necessary to ensure food safety is not compromised. Amending Section 6-501.115 of the Food Code to allow pet dogs in outdoor dining areas would provide clear guidance to states and municipalities that such activity would not compromise public health, provided the safeguards included in this proposal are followed.

Public Health Significance:

As pet ownership rises in the United States, an increasing number of people are looking to incorporate their pets into more aspects of their daily lives, including bringing them to retail and dining establishments. With this increasing demand, more and more restaurants are adopting pet-friendly policies that allow pet dogs in their outdoor dining areas.

The movement to allow pet dogs in outdoor dining areas began in the mid- to late-2000s when four states passed legislation giving municipalities discretion to permit pet dogs in outdoor dining areas, provided they follow certain regulatory requirements: Florida, Illinois, Minnesota, and Tennessee. In 2011, Maryland and New Mexico went a step further and enacted laws allowing restaurants to permit the practice under certain circumstances. However, there was still limited research as to the public safety effects and risks of allowing pet dogs in outdoor dining facilities.

In 2012, Food Standards Australia New Zealand (FSANZ), the government agency responsible for developing food standards for Australia and New Zealand, proposed amending its Food Standards Code to allow pet dogs in outdoor dining areas of food establishments. As part of its deliberation, FSANZ conducted a risk assessment to

determine the food safety implications arising from the proposal. A copy of the risk assessment is included as a supporting attachment, titled "FSANZ Risk Assessment - Companion Dogs in Outdoor Dining Areas." The agency determined that the risk to humans is "very low to negligible" and approved the proposal for the following reasons:

- Dogs would not be ordinarily allowed into food preparation areas, making the risk of direct contact with food negligible;
- Indirect foodborne transmission of diseases through an intermediary, such as rodent, insects, or food establishment personnel, is highly unlikely. This relies on the occurrence of two events: (1) a successful transmission from pet dog to intermediary, and (2) successful transmission from intermediary to customer. The probability of either event was determined to be low;
- Potential direct or indirect contamination of food from pet dogs can be managed through compliance with general food safety and hygiene standards; and
- Studies indicated that contact between people and dogs that are not their own is limited, minimizing the potential for contact and, consequently, transmission of diseases from dogs to humans.

Since then, more states have enacted policies that would allow pet dogs in outdoor dining areas, e.g.:

- In 2014, California passed legislation allowing the practice under certain circumstances, citing the FSANZ risk assessment in the bill analysis.
- New York passed legislation similar to the California bill in 2015.
- In November 2019, due to increasing pressure from restaurant owners and local officials, Mississippi State Department of Health announced a policy change, whereby restaurants may apply for a variance to the state's Food Code to create dog-friendly outdoor dining spaces.

As a result of these different approaches, there is a hodgepodge of states and municipalities that allow pet dogs in outdoor dining areas, each with their own set of food safety standards for restaurants to follow. This has led to confusion on the part of restaurant owners and customers as to whether food establishments are allowed to have dog-friendly outdoor dining areas and, if so, what sanitary requirements they are required to follow.

This submission would neutralize this problem by giving food establishments the flexibility to allow pet dogs in outdoor dining areas and establish strong regulatory requirements restaurants to ensure food safety. Many retailers have outdoor seating areas, and this proposal is in line with their business practices and customer needs. One national set of standards for businesses brings clarity to businesses and customers and embraces the growing trend of people incorporating their pets into everyday activities, without compromising public safety.

Recommended Solution: The Conference recommends...:

A letter be sent to the FDA requesting that Section 6-501.115 of the most current edition of the Food Code be amended as follows (new language is underlined; existing language to be deleted is in strikethrough format):

6-501.115 Prohibiting Animals.

A. Except as specified in ¶¶ (B) and (C) of this section, live animals may not be allowed on the premises of a food establishment.

B. Live animals may be allowed in the following situations if the contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles can not result:

1) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;

2) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;

3) In areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or person, if a health or safety hazard will not result from the presence or activities of the service animal;

4) Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:

a. Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas,

b. Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present, and

c. Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; ~~and~~

5) In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals; and

6) Pet dogs under the control of a person in an outdoor dining area, or a designated portion of it, if:

a. The owner of the food establishment elects to allow pet dogs.

b. The pet dog is on a leash or confined to a pet carrier.

c. A separate outdoor entrance is present where pet dogs enter without going through the food establishment.

d. Signs are conspicuously posted indicating that pet dogs are allowed in the outdoor dining area.

e. Pet dogs are not allowed on chairs, benches, seats, or other fixtures.

f. The outdoor dining area is not used for food or drink preparation or the storage of utensils.

g. Food and water provided to dogs shall only be in single-use disposable containers.

h. Food establishment employees are prohibited from having direct contact with dogs while on duty. Any employee who does have such direct contact shall wash their hands thoroughly.

i. The outdoor dining area is maintained clean, and surfaces that have been contaminated with dog excrement or other body fluids shall be cleaned and sanitized.

j. A covered refuse container shall be located in the outdoor dining area and shall be used exclusively to store all pet waste generated.

k. The food establishment owner ensures compliance with local ordinances related to sidewalks, public nuisance, and sanitation, and

l. The food establishment owner shall request that a pet dog owner remove from the establishment any dog that menaces, threatens or bites any person or other dog. The food establishment owner shall not serve a dog owner who refuses to comply with a request to remove such a dog.

C. Live or dead fish bait may be stored if contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles can not result.

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Supporting Attachments:

- "Pet Dogs In Outdoor Dining Areas - Current State Policies"
- "FSANZ Companion Dogs in Outdoor Dining Areas Risk Assessment"
- "Letter of Support - Mayor of St. Petersburg, FL"
- "Letter of Support - Mississippi State Department of Health"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Prohibiting Animals to Allow for Dogs in Outside Areas of Premises

Issue you would like the Conference to consider:

The premises of a food establishment includes outdoor seating areas such as patios, picnic tables and decks as the Food Code definition states.

"Premises" means:

- (1) The PHYSICAL FACILITY, its contents, and the contiguous land or property under the control of the PERMIT HOLDER; or
- (2) The PHYSICAL FACILITY, its contents, and the land or property not described in Subparagraph (1) of this definition if its facilities and contents are under the control of the PERMIT HOLDER and may impact FOOD ESTABLISHMENT personnel, facilities, or operations, and a FOOD ESTABLISHMENT is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

Section 6-501.115 does not address dogs in these outer areas. We are requesting that if a facility has adequate standard operating procedures, dogs could be allowed on the premises.

Public Health Significance:

Dogs are more prevalent and it has become customary for people to enjoy meals with their dogs. Dogs on patios and outdoor seating areas are noted throughout the country from Florida to Colorado. Jurisdictions are either turning a blind eye to dogs in these areas or they are issuing variances to allow them. In Wisconsin, we have issued almost 50 variances to allow dogs in outdoor seating areas with very specific requirements spelled out in the variance approval. Language includes:

- This variance applies to the exterior areas of outdoor dining of a restaurant only. Dogs are not allowed in the interior portions of the restaurant.
- A separate entrance is present where pets do not enter through the food establishment to reach the outdoor dining area.

- The facility shall provide signage alerting customers that dogs are allowed in outdoor seating areas. Signage provided and is deemed adequate.
- No food preparation shall be allowed at the outdoor dining area, including the dispensing/mixing of drinks and ice.
- Customer multi-use or reusable utensils such as plates, silverware, glasses and bowls shall not be stored, displayed or pre-set at the outdoor dining area.
- Food from the restaurant shall not be served to pets on the exterior portions of the outdoor dining areas of a restaurant. However, food provided by the dog owner for consumption by the dog on the premise of the restaurant shall be provided in single-use disposable containers and/or water provided by the restaurant shall be provided in single-use disposable containers.
- Employees shall be prohibited from having direct contact with pets while on duty.
- Pets shall not be allowed on chairs, seats, benches, and tables.
- The exterior areas of outdoor dining areas of a restaurant shall be maintained clean at all times
- In cases where excrement or other bodily fluids (urine, saliva, and vomit) are deposited, an employee shall immediately clean and sanitize the affected areas.
- The outdoor dining area shall not be fully enclosed (a fully enclosed dining area shall be considered to be part of the interior area of the facility).

Recommended Solution: The Conference recommends...:

The Conference recommends....

That a letter be sent to the FDA requesting that Section 6-501.115 of the most current edition of the Food Code be amended as follows:

6-501.115 (B)

(6) Only dogs be allowed in outdoor areas of the premises if a food establishment has written procedures and prior approval from the REGULATORY AUTHORITY.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-030

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: 2016 I-046; new or additional information has been included or attached and the recommended solution has been revised.

Title:

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

Issue you would like the Conference to consider:

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) governs the classifications of pesticides as general use or restricted use, called Restricted Use Pesticides (RUP).

7-202.12(B)(2) of the latest edition of the Food Code provides basic requirements to prevent contamination from Toxic or Poisonous Materials, which include pesticides, used in food establishments. However, the requirements in subparagraph (B)(2) are limited to Restricted Use Pesticides (RUPs).

Almost no pesticides being used in food establishments are RUPs.

For example, searching the Wisconsin Department of Agriculture, Trade and Consumer Protection pesticide registration site shows that there are no RUPs registered for use in "Restaurants," "Restaurants (residual Crack And Crevice Treatment)," "Restaurants (indoor Edible)," or "Drive in Restaurants (residual Crack And Crevice Treatment)," "Food Serving Areas", "Food Markets", and "Packaged Food (storage Areas)."

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

Public Health Significance:

Limiting the applicability of the listed precautions to Restricted Use Pesticides (RUPs) makes it more difficult to enforce those necessary precautions for all other pesticides, which constitute virtually the entirety of pesticides used in Food Establishments.

Recommended Solution: The Conference recommends...:

The Conference recommends that a letter be sent to FDA recommending that Section 7-202.12 of the Food Code be amended as follows:

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~~, 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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Supporting Attachments:

- "RUP Search Results"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Person in Charge 2-103.11

Issue you would like the Conference to consider:

Last CFP (2018), the Conference voted to change the violation designation of 3-501.13 from Core to Priority Foundation. FDA has agreed with the designation. Thawing is another piece of the risk based inspection that should be controlled under Active Managerial Control.

Public Health Significance:

Freezing prevents microbial growth in foods, but usually does not destroy all microorganisms. Improper thawing provides an opportunity for surviving bacteria to grow to harmful numbers and/or produce toxins. If the food is then refrozen, significant numbers of bacteria and/or all preformed toxins are preserved. An important duty of the Person in Charge is to identify and ensure that any required temperatures are achieved or maintained when foods are cooked, cooled or held in a food establishment.

Recommended Solution: The Conference recommends...:

send a letter to FDA requesting the addition of language under 2-103.11 Person In Charge of the most current edition of the Food Code to include:

"(Q) EMPLOYEES are properly maintaining the temperatures of TIME/TEMPERATURE CONTROL FOR SAFETY FOODS during thawing through daily oversight of the EMPLOYEES' routine monitoring of FOOD temperatures; Pf

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-032

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: 2018-I-011; the recommended solution has been revised.

Title:

Whole Muscle Intact Beef Labeling

Issue you would like the Conference to consider:

The Food Code language with regard to Whole Muscle Intact labeling requirement be removed and language within the Food Code align with the Food Safety and Inspection (FSIS) labeling requirements of mechanically tenderized beef products.

On May 18, 2015, Food Safety and Inspection Services (FSIS) published a final rule to establish labeling requirements for raw or partially cooked mechanically tenderized beef products (Descriptive Designation of Needle- or Blade-Tenderized (Mechanically Tenderized) Beef Product (80 FR 28153)). The rule amends the regulations by adding 9 CFR 317.2(e)(3).

The new labeling requirements provide household consumers, official establishments, restaurants, and retail stores the information they need to distinguish a cut of beef that is an intact, non-tenderized product, from a non-intact, mechanically tenderized product.

With this requirement, those cuts of beef that are not manipulated can be considered as WHOLE MUSCLE, INTACT BEEF if they are not labeled with the requirement as set forth by FSIS.

Field inspections of retail food establishments have shown that facilities are in compliance with the FSIS requirement and are meeting the labeling requirements of mechanically tenderized beef steak products.

Public Health Significance:

The requirement that steaks, to meet the lower cooking requirements of a surface temperature of 145 F with no consumer advisory, be labeled as WHOLE MUSCLE, INTACT BEEF no longer applies. As long as beef steak packaging does not have the required labeling, they can be considered WHOLE MUSCLE, INTACT BEEF.

Recommended Solution: The Conference recommends...:

The Conference recommends...

That a letter be sent to the FDA requesting language with regard to Whole Muscle Intact labeling requirement be removed and language within the Food Code align with the Food Safety and Inspection (FSIS) labeling requirements of mechanically tenderized beef products.

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Supporting Attachments:

- "FSIS Notice 33-17"
- "Steak labeling"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-033

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:

Designated Areas to Include Vaping

Issue you would like the Conference to consider:

6-403.11 (A) only addresses designated areas for employees to eat, drink and use tobacco. It does not address vaping under the requirement for designated areas.

Public Health Significance:

Vaping is becoming increasingly popular and is the act of inhaling and exhaling the aerosol, often referred to as vapor, which is produced by an e-cigarette or similar device. The term is used because e-cigarettes do not produce tobacco smoke, but rather an aerosol, often mistaken for water vapor, that actually consists of fine particles. Not all vaping includes tobacco and therefore it has been difficult to enforce separate and designated areas.

Recommended Solution: The Conference recommends...:

The Conference recommends....

That a letter be sent to the FDA requesting that Section 6-403.11 (A) of the most current edition of the Food Code be amended as follows:

(A) Areas designated for EMPLOYEES to eat, drink, and use tobacco or vape shall be located so that FOOD, EQUIPMENT, LINENS, and SINGLESERVICE and SINGLE-USE ARTICLES are protected from contamination.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-034

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:

Eating, Drinking, or Using Tobacco to Include Vaping

Issue you would like the Conference to consider:

2-401.11 Eating, Drinking or Using Tobacco does not include vaping. We would like vaping to be included in the current version of the FDA Food Code.

Public Health Significance:

Vaping is becoming increasingly popular and is the act of inhaling and exhaling the aerosol, often referred to as vapor, which is produced by an e-cigarette or similar device. The term is used because e-cigarettes do not produce tobacco smoke, but rather an aerosol, often mistaken for water vapor, that actually consists of fine particles. Not all vaping includes tobacco and therefore it has been difficult to enforce separation.

Recommended Solution: The Conference recommends...:

The Conference recommends....

That a letter be sent to the FDA requesting that Section 2-401.11 (A) of the most current edition of the Food Code be amended as follows:

(A) Except as specified in ¶ (B) of this section, an EMPLOYEE shall eat, drink, vape or use any form of tobacco only in designated areas where the contamination of exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES; or other items needing protection can not result.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-035

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:

When to Wash to Include Vaping

Issue you would like the Conference to consider:

Vaping is on the rise and it should be reflected in the Food Code as an incident that would require employee handwashing. The current code does not include vaping in 2-304.14 (D). (D) Except as specified in ¶ 2-401.11(B), after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking; ^P

Public Health Significance:

Vaping is the act of inhaling and exhaling the aerosol, often referred to as vapor, which is produced by an e-cigarette or similar device. The term is used because e-cigarettes do not produce tobacco smoke, but rather an aerosol, often mistaken for water vapor, that actually consists of fine particles. Contamination of hands can occur through the act of vaping as it can when smoking.

Recommended Solution: The Conference recommends...:

The Conference recommends...

That a letter be sent to the FDA requesting that Section 2-304.14 (D) of the most current edition of the Food Code be amended as follows:

(D) Except as specified in ¶ 2-401.11(B), after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, vaping, or drinking; ^P

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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.

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-001

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:

FPMCC Final Report - Food Protection Manager Certification Committee

Issue you would like the Conference to consider:

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

Public Health Significance:

The credentialing process for *Certified Food Protection Managers* assists in the protection and promotion of food safety by carefully determining the competencies necessary to prevent foodborne illness, unbiased education and training for acquisition of competencies necessary to maintain food safety, and fair assessment practices to ensure that individuals have achieved mastery of these competencies.

Recommended Solution: The Conference recommends...:

The Conference recommends acknowledgement of the 2018 - 2020 Food Protection Manager Certification Committee (FPMCC) Final Report and thanking the committee members for their work.

The Conference further recommends the continuation of the following charge (from Issue #: 2018 II-009) assigned to the Food Protection Manager Certification Committee (FPMCC), a standing committee, for the 2020-2022 biennium:

To carry out charges assigned via the Conference Issue process and from the Conference Executive Board relating to food protection manager certification and to adopt sound, uniform accreditation standards and procedures that are accepted by the Conference while ensuring that the conference Standards for Accreditation for Food Protection Manager Certification programs and the accreditation process are administered in a fair and responsible manner.

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Content Documents:

- "Attachment I_FPMCC Final Report"
- "Attachment II_FPMCC Final Roster Nov2019"
- "Attachment III_CFP FPMCC Standards Version 1.9.2020"
- "Attachment IV_FPMCC Bylaws 2019"

Supporting Attachments:

- "2018-09-18 FPMCC Conference Call minutes"
- "2018 Fall Meeting San Diego minutes"
- "2019 Spring Meeting Austin minutes"
- "FPMCC 2019 Fall Meeting Pittsburgh minutes"
- "FPMCC CFP Communication Outreach PowerPoint 10.24.19"
- "Revised FAQ for CFP Website 10.24.19"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-002

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:

FPMCC Standards for Accreditation of Food Protection Manager Certification

Issue you would like the Conference to consider:

Approval of revisions to the Standards for Accreditation of Food Protection Manager Certification Programs.

Public Health Significance:

The credentialing process for *Certified Food Protection Managers* assists in the protection and promotion of food safety by carefully determining the competencies necessary to prevent foodborne illness, unbiased education and training for acquisition of competencies necessary to maintain food safety, and fair assessment practices to ensure that individuals have achieved mastery of these competencies.

Recommended Solution: The Conference recommends...:

The Conference recommends:

1. approval of the revised Standards for Accreditation of Food Protection Manager Certification Programs (attached to Issue titled: FPMCC Final Report - Food Protection Manager Certification Committee; attachment title: Attachment III_CFP Food Protection Manager Certification Standards Version 1.9.2020.);
2. authorizing the Conference to make any necessary edits prior to posting the document on the CFP web site to assure consistency of format and non-technical content; edits will not affect the technical content of the document; and
3. that the revised Standards be posted on the CFP website in PDF format.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-003

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:

FPMCC - Bylaw Revisions

Issue you would like the Conference to consider:

Approval of the revisions to the Food Protection Manager Certification Committee Bylaws.

1. All revisions are contained within the revised document: "Revised FPMCC Bylaws 2019". Strike-through font indicates content being removed and underline indicates content added.

Public Health Significance:

The credentialing process for *Certified Food Protection Managers* assists in the protection and promotion of food safety by carefully determining the competencies necessary to prevent food-borne illness, unbiased education and training for acquisition of competencies necessary to maintain food safety, and fair assessment practices to ensure that individuals have achieved mastery of these competencies. The Bylaws which govern the Food Protection Manager Certification Committee ensure a standardized approach to management of this credential.

Recommended Solution: The Conference recommends...:

The Conference recommends:

1. approval of the revised Food Protection Manager Certification Committee Bylaws (attached to Issue titled: FPMCC Final Report; attachment title: Attachment IV_ FPMCC Bylaws 2019);
2. authorizing the Conference to make any necessary edits prior to posting the document on the CFP web site to assure consistency of format and non-technical content; edits will not affect the technical content of the document; and
3. that the revised Bylaws be posted on the CFP website in PDF format.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-004

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:

Limit CPFM accredited exam certificate validity to four years

Issue you would like the Conference to consider:

Accredited exams for the Certified Food Protection Manager (CPFM) expire at five years from issue. This has been the case since before the Conference began meeting. The FDA Retail Food Code is published every four years. Reducing the valid period for the exam certificate will better synchronize the knowledge the Person In Charge must demonstrate to regulators with the knowledge demonstrated at the time of testing for the exam. A significant number of people could skip an entire Food Code update without being tested on it.

Public Health Significance:

The impact to the industry will include

1. CPFMs with more current and accurate information who will be able to make good decisions about food safety practices.
2. In a span of twenty years in the industry a CPFM who keeps their certification current will take only one additional exam, so cost is minimal.
3. Many large corporations and franchisees require their managers to recertify every three years, so no impact on them.

The impact to the regulatory agencies will be interacting with more knowledgeable Persons in Charge who better understand current food safety strategies.

Recommended Solution: The Conference recommends...:

that accredited testing organizations validate their Certified Food Protection Manager examination certificates for a time period not to exceed four years from date of issuance, aligning knowledge demonstration by examination with the routine four year update and publication of the FDA Retail Food Code.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-005

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 issue was submitted for consideration at a previous biennial meeting, see issue: 2018 II-24; new or additional information has been included or attached.

Title:

Report-Constitution ByLaws and Procedures Committee (CBPC)

Issue you would like the Conference to consider:

At the 2018 Biennial Meeting the CBPC was charged with:

1. Review the Conference for Food Protection governing documents (Conference for Food Protection Constitution and Bylaws, Conference Procedures, Conference Biennial 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, 2014-II-018 and 2016-II-026)
2. Review membership and constituency at-large members on all committees and offer recommendations on how to address the quantity and functionality of committees
3. Report back to the Executive Board; and submit recommendations as Issues at the 2020 Biennial Meeting

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.

The CFP Constitution is our foundational document; and therefore needs to be unassailable.

Recommended Solution: The Conference recommends...:

Acknowledgement of the 2018-2020 Constitution Bylaws and Procedures Committee Final Report and thanking the committee members for their hard work.

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Content Documents:

- "Committee Final Report"
- "Committee Member Roster"
- "CBPC At-Large Constituency options"
- "Categorization of CFP Documents"
- "Draft Revised CFP Constitution and Bylaws"
- "Draft Final MOU between CFP and NACCHO"

Supporting Attachments:

- "Meeting Minutes"
- "Attendance at conference calls"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-006

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: 2018 II-24; new or additional information has been included or attached.

Title:

CBPC 2 - Revised CFP Constitution and ByLaws

Issue you would like the Conference to consider:

Acceptance of the Draft of the Revised Conference for Food Protection Constitution and ByLaws 2018

Public Health Significance:

2018 II-024 Review the Conference for Food Protection governing documents (Conference for Food Protection Constitution and Bylaws, Conference Procedures, Conference Biennial 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, 2014-II-018 and 2016-II-026)

Current technologies could be investigated to accomplish the same intent.

The existing charge dates back to 2012 and asks for a merger of CFP documents. In order to create a merge of existing documents, the documents being merged need to be harmonious with each other. Due to discord within the same documents as well as discord between documents, the logical approach was to have a solid foundational document. The CFP's foundational document is our Constitution. Once the Constitution is a solid foundational document, steps can be taken to make the rest of the existing CFP documents harmonious with the Constitution and each other.

Continual review of the core governing documents will help prevent contradictory language in the CFP's governing documents.

Recommended Solution: The Conference recommends...:

The Conference recommends....

1. Acceptance of the Draft of Revised CFP Constitution and ByLaws submitted in Final Report Issue, Content Document #5

2. These governing documents be reviewed on a recurrent basis every biennium, prioritized in this manner

1. Constitution
2. Biennial Meeting/CFP Procedures document
3. Position descriptions
4. Policy documents

unless the Executive Board determines there is a need for a change in priority

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-007

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:

CBPC #3 - At Large Committee Membership

Issue you would like the Conference to consider:

Acceptance of the Draft of the revised version of the Conference for Food Protection Constitution and ByLaws 2018, Article XV Section 13.

Public Health Significance:

Issue 2018 II-024 had a charge of: Review membership and constituency at-large members on all committees and offer recommendations on how to address the quantity and functionality of committees and submit recommendations at the 2020 Biennial meeting.

Council Committee size is virtually unlimited due to interest in participation. There have been council committees with as many as 80 members. It is imperative to for committee to complete the assigned charges. When there are unlimited members it becomes very difficult to have all "voices" heard during conference calls, it is very time consuming and impractical to take role, and is not an efficient way to conduct the business of the committee.

Having unduly large committees presents challenges and can impede conducting the business of the Conference of Food Protection.

Recommended Solution: The Conference recommends...:

The Conference recommends...

Amending the Conference for Food Protection Constitution and ByLaws 2018 as follows:

Article XV Duties of the Committees

Section 13. Council Committee Size and Constituency: Council Committee membership discussion is limited to Council Committees only. Membership on Standing Committees or Executive Board Ad Hoc Committees is defined by the CFP Executive Board.

Subsection 1. Committee size.

Voting membership for Council Committees should be comprised of at least eleven (11) voting members with a maximum of ~~no more than~~ twenty-three (23) voting members. Non-voting membership should be comprised of at least six (6) alternates with a maximum of eighteen (18) non-voting alternates.

1. Minimum size: Voting membership for a minimum size committee is the Chair, Vice Chair, o n e (1) representative from state regulatory, one (1) representative from local regulatory, two (2) representatives from industry, one (1) from an academic institution, one (1) consumer representative, and three elective (3) representatives which may be selected from any Conference constituency with an emphasis on expertise specific to the committee's charge(s).
2. Maximum size: Voting membership for a maximum size committee is the Chair, Vice Chair, four (4) representatives from state regulatory, four (4) representatives from local regulatory, eight (8) representatives from industry, one (1) from an academic institution, one (1) consumer representative, and three elective (3) representatives that may be selected from any Conference constituency with an emphasis on expertise specific to the committee's charge(s).
3. Any committee comprised of membership numbers between the minimum and maximum shall make every reasonable effort to maintain constituency balances.

Subsection 2. Committee Membership Selection. The Council Committee Chair and Vice Chair ~~of a Council Committee~~ may be selected from any of the Conference constituencies as approved by the Conference Chair Council Chair and the Executive Board, provided each is from a different constituency. The Council Committee Chair and Vice Chair are responsible for selecting the voting members and alternates from the list of committee volunteers. If a Council Committee Chair does not receive sufficient volunteers in the appropriate constituencies, they shall confer with the Council Chair to seek volunteers from the Conference membership, making every reasonable effort to maintain constituency balance. The Council Committee Chair, in conference with the Council Chair and/or ~~Executive Board~~, shall have the flexibility to fill vacancies in the voting membership with unbalanced constituency representation, if deemed necessary, to reach a minimum of 11 voting committee members. All proposed committee members must be approved by the ~~Executive Board~~ in accordance with Article XIII, Section 6, Subsection 4 of the Constitution and Bylaws. All voting members and alternate non-voting members shall be identified as such on the approved committee roster along with their respective constituency.

Subsection 3. Alternate member duties. ~~A maximum of 23 voting members are permitted on a council committee. All volunteers not selected for a voting position shall be offered an "at-large" non-voting position on the committee. There is no limit to the number of at-large non-voting members that may participate. At large~~ Alternate members will be included and allowed to participate in all committee functions, including but not limited to, meetings, conference calls, emails, deliberations, research and activities, but will not have an individual vote on committee actions. ~~All voting members and at-large non-voting members shall be identified as such on the committee roster along with their respective constituency.~~

Subsection 4. Committee voting member vacancies. In the event a Council Committee voting member departs such a committee during a biennial cycle, an ~~at-large~~ alternate member of the same constituency as the departing member shall be selected by the Council Chair to fill the vacancy, ~~subject to approval by the Council-
Conference Chair and Executive Board in accordance with Article XIII, Section 6,
Subsection 4 of the Constitution and Bylaws.~~ If a Council Committee voting member changes constituency during a biennial cycle, and there is no vacancy in that member's new constituency, the member will need to transition from service as a voting member on that committee and may continue to serve as an ~~at-large~~ alternate non- voting member for the remainder of the biennial cycle. This transition will occur upon notification to the Council Committee Chair.

Subsection 5. Committee membership continuity. ~~The Chair of a council committee~~ A Council Committee Chair that continues over more than one biennial cycle shall assess the immediate previous committee membership to ensure at least 50% of the ongoing committee's voting membership are new members that did not serve as voting members on the immediate previous committee. This will ensure that an increased number of ~~at-large~~ Conference members ~~or others~~ have an opportunity to participate as a voting member over time when there are a large number of volunteers.

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Content Documents:

- "Executive Board's Adhoc Committee for At-Large Committee Membership report"
- "Executive Board's Adhoc Committee for At-Large Committee Membership roster"

Supporting Attachments:

- "See CBPC Final Report Issue Content Document #3 – CBPC At-Large Constituenc"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-008

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:

CBPC 4: Memorandum of Understanding between CFP and NACCHO

Issue you would like the Conference to consider:

Acceptance of a Memorandum of Understanding between the Conference for Food Protection and the National Association of County and City Health Officials (NACCHO). A draft final Memorandum of Understanding has been reviewed and approved by NACCHO staff and the CFP Executive Board. The CFP Constitution and Bylaws/Procedures Committee has also determined that the draft final Memorandum of Understanding is not in conflict with other CFP governing documents.

Public Health Significance:

The Conference Executive Board wishes to establish a formal working relationship with NACCHO.

Recommended Solution: The Conference recommends...:

Adoption of the Memorandum of Understanding with the National Association of County and City Health Officials (NACCHO). *Note: Document is attached to Issue titled Report - CFP Constitution, ByLaws, and Procedures Committee (CBPC), Document #6.*

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**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.

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Supporting Attachments:

- "FMI Food Defense Guide"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-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:

Local Regulator Voting Representation on the Assembly of State Delegates.

Issue you would like the Conference to consider:

Allowing local regulatory voting representation on the Assembly of State Delegates.

Public Health Significance:

- Foodborne illness in the United States is a major cause of personal distress, preventable illness and death, and avoidable economic burden;
- Most foodborne illnesses occur in persons who are not part of recognized outbreaks;
- The annual cost of foodborne illness in terms of pain and suffering, reduced productivity, and medical costs are estimated to be \$10 - \$83 billion;
- The Food and Drug Administration (FDA) endeavors to assist approximately 75 state and territorial agencies; however,
- More than 3,000 local departments assume the primary responsibility for preventing foodborne illness and for licensing and inspecting establishments within the retail segment of the food industry.

Recommended Solution: The Conference recommends...:

1. An amendment to Articles XVI and XVIII to the Constitution and Bylaws to allow for voting representation from local regulators on the *Assembly of State Delegates*;
2. *An amendment to Articles XVI and XVIII to the Constitution and Bylaws to designate two (2) local regulators from each CFP region be entitled to one (1) vote each in the Assembly;*
3. An amendment to the Constitution and Bylaws to change the name of the *Assembly of State Delegates* to *Assembly of State and Local Delegates*, where required, throughout the document.

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Supporting Attachments:

- "NACCHO STATEMENT OF POLICY Food System Safety"
- "NACCHO STATEMENT OF POLICY Foodborne Disease Outbreak Response"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-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:

Allergen Committee (AC) Report

Issue you would like the Conference to consider:

Issue 2018 I-015 created the Allergen Committee and charged the committee to:

- Review Issues 2018-I-015, 2018-II-007, 2018-II-008 and their original submitted Recommended Solution, including but not limited to:
 - o Evaluation of major food allergen disclaimers in retail food establishments.
 - o Development of methodology for retail food establishments to notify consumers when menu items contain major food allergens.
 - o Determining if any additional staff training for food allergen awareness is needed.
 - o Identifying any supporting research or evidence that supports recommendations.
- Recommend changes to the Food Code that support retail food establishments in their efforts to protect consumers with major food allergens.
- Report back findings and recommendations to the 2020 Biennial Meeting of the Conference for Food Protection.

Public Health Significance:

Food allergies are a significant and emerging public health concern and impact approximately 15 million Americans, including 5.9 million children under the age of 18. Each year, millions of Americans have allergic reactions to food. Although most food allergies cause relatively mild symptoms some food allergies can cause severe reactions that are life-threatening. There is no cure for food allergies. Strict avoidance of food allergens and early recognition and management of allergic reactions to food are important measures to prevent serious health consequences.

Regulatory requirements for labeling major food allergens on packaged foods are very thorough. However, there is a gap in regulatory requirements for notification of major food allergens in food service establishments. Foods that are available for immediate

consumption and not pre-packaged do not provide the same level of disclosure of packaged foods. Food allergic consumers often ask on site staff to share information about ingredients and allergens. They must rely on questions to staff who may not have an answer; or worse, give inaccurate information. Staff error has yielded catastrophic results, including fatalities. To protect consumers that have food allergies food employees must have knowledge of the major food allergens, symptoms they could cause, and methods to prevent problems with food allergens.

Recommended Solution: The Conference recommends...:

acknowledgement of the 2018 - 2020 Allergen Committee Final Report, thanking the committee members for the completed work, and disbanding the committee because all assigned charges have been completed.

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Content Documents:

- "Allergen Committee Report"
- "Allergen Committee Roster"
- "Food Allergy Notifications: A Guidance for Industry"

Supporting Attachments:

- "Allergy Training Courses and Laws"
- "Allergen Committee Survey"
- "Allergen Notification Consumer Survey"
- "Food Industry Survey Results"
- "Restaurant servers risk perceptions and risk communication behaviors"
- "Comparing the eating out experience of consumers seeking to avoid allergies"
- "Consumer preferences for written and oral information about allergies"
- "Food allergy knowledge and attitudes of restaurant managers and staff"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-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:

AC #2 - Post Food Allergy Notifications Guidance Document on CFP Website

Issue you would like the Conference to consider:

Post the major food allergens notifications guidance document for industry on the CFP website

Public Health Significance:

Food allergies are a significant and emerging public health concern and impact approximately 15 million Americans, including 5.9 million children under the age of 18. Each year, millions of Americans have allergic reactions to food. Although most food allergies cause relatively mild symptoms some food allergies can cause severe reactions that are life-threatening. There is no cure for food allergies. Strict avoidance of food allergens and early recognition and management of allergic reactions to food are important measures to prevent serious health consequences.

Regulatory requirements for labeling major food allergens on packaged foods are very thorough. However, there is a gap in regulatory requirements for notification of major food allergens in food service establishments. Foods that are available for immediate consumption and not pre-packaged do not provide the same level of disclosure of packaged foods. Food allergic consumers often ask on site staff to share information about ingredients and allergens. They must rely on questions to staff who may not have an answer; or worse, give inaccurate information. Staff error has yielded catastrophic results, including fatalities. To protect consumers that have food allergies food employees must have knowledge of the major food allergens, symptoms they could cause, and methods to prevent problems with food allergens.

Please refer to Content Document:

Food Allergy Notifications: A Guidance for Industry

Recommended Solution: The Conference recommends...:

1. Acceptance of the committee generated guidance document entitled "Food Allergy Notifications: A Guidance for Industry" (attached as content document 3 to Issue titled: Allergen Committee Report); and
2. Authorizing the Conference to make any necessary edits prior to posting the document on the CFP web site to assure consistency of format and non-technical content; edits will not affect the technical content of the document; and
3. Posting the final document on the CFP website in PDF format

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-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:

AC #3 - Amend Food Code for Major Food Allergen Training for Food Employees

Issue you would like the Conference to consider:

Amend the Food Code to remove allergy awareness training from Paragraph 2-103.11(N) and add a new Paragraph in Section 2-103.11 with recommended components of food allergy training.

Public Health Significance:

Regulatory requirements for labeling major food allergens on packaged foods are very thorough. However, foods that are available for immediate consumption and not pre-packaged do not provide the same level of disclosure of packaged foods. Food allergic consumers often ask on site staff to share information about ingredients and allergens. They must rely on questions to staff who may not have an answer; or worse, give inaccurate information. Staff error has yielded catastrophic results, including fatalities. To protect consumers that have food allergies food employees must have knowledge of the major food allergens, symptoms they could cause, and methods to prevent problems with food allergens.

Even though the Food Code requires that the Person In Charge (PIC) shall ensure that employees are properly trained in food allergy awareness, research and survey results show that food employees are often not adequately trained in food allergy awareness, which puts consumers at risk.

Please refer to Supporting Attachments:

1. Allergy Training Courses and Laws
2. Allergen Committee Survey
5. Restaurant servers' risk perceptions and risk communication-related behaviors when serving customers with food allergies in the US
6. Comparing the Eating Out Experiences of Consumers Seeking to Avoid Different Food Allergens

8. Food Allergy Knowledge and Attitudes of Restaurant Managers and Staff: An EHS-Net Study

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA requesting that Paragraph 2-103.11(N) of the most recent edition of Food Code be amended as shown below (stricken language with strikeout), and a new Paragraph be added to Section 2-103.11, as shown below (new language underlined):

2-103.11 Person in Charge

The PERSON IN CHARGE shall ensure that:

(N) Employees are properly trained in FOOD safety, ~~including FOOD allergy awareness~~, as it relates to their assigned duties;

EMPLOYEES are properly trained in FOOD allergy awareness, as it relates to their assigned duties. This training should include, but is not limited to:

- Identification of the major FOOD allergens;
- FOOD allergen ingredient identities and labeling;
- Knowledge of cross-contact concerning the major FOOD allergens;
- Recognition of symptoms of an allergic reaction;
- How to respond to an allergic reaction.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-014

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:

AC#4 Amend Food Code for Notification of Major Food Allergens in Bulk Foods

Issue you would like the Conference to consider:

Amend Subparagraph 3-602.11(C)(2) of the Food Code to require notification of MAJOR FOOD ALLERGENS in consumer self-service bulk FOOD.

Public Health Significance:

Self-service bulk food items are an increasing source of food products for the American consumer. While these food products are usually purchased by consumers due to their discounted price and convenience, in recent years their popularity has increased due to economic reasons and changing markets of food delivery/consumer consumption trends. Part of the reason American shoppers are so attracted to these items is their belief that bulk-buying not only prevents waste and their role in providing climate change, but can save time and money, providing more value for the dollar¹.

Regulatory requirements for labeling major food allergens of packaged foods are very thorough. Providing the name of the food source on the label of packaged foods alerts consumers to the presence of a major food allergen, and may prevent an inadvertent exposure. However, these requirements do not include any type of consumer notification of major food allergens in bulk foods that are available for consumer self-dispensing. These consumer self-service bulk foods are typically not monitored by staff of the establishment, so consumers do not have the opportunity to inquire about foods that may contain major food allergen ingredients.

This amendment to the Food Code would provide additional protection to consumers with food allergies who are interested in purchasing bulk foods that are available for consumer self-dispensing.

¹ https://en.wikipedia.org/wiki/Bulk_foods

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA requesting that Subparagraph 3-602.11(C)(2) of the most recent edition of Food Code be amended as shown below (new language underlined):
3-602.11 Food Labels.

(C) Bulk FOOD that is available for CONSUMER self-dispensing shall be prominently labeled with the following information in plain view of the CONSUMER:

- (1) The manufacturer's or processor's label that was provided with the FOOD; or
- (2) A card, sign, or other method of notification that includes the information specified under Subparagraphs (B)(1), (2), (5) and (6) of this section.

The referenced Subparagraph 3-602.11(B)(5) states:

(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

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-015

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:

AC #5 - Amend Food Code for Written Notification of Major Food Allergens

Issue you would like the Conference to consider:

Amend the Food Code to add a new Paragraph to 3-602.12 to require the PERMIT HOLDER to notify CONSUMERS of the presence of MAJOR FOOD ALLERGENS as ingredients in unpackaged FOOD items using brochures, deli case or menu notifications, label statements, table tents, placards, or other effective written means.

Public Health Significance:

Each year, millions of Americans have allergic reactions to food. Although most food allergies cause relatively mild symptoms some food allergies can cause severe reactions that are life-threatening. There is no cure for food allergies. Strict avoidance of food allergens and early recognition and management of allergic reactions to food are important measures to prevent serious health consequences.

Food allergies are a significant and emerging public health concern and impact approximately 15 million Americans, including 5.9 million children under the age of 18. That's 1 in 13 children or roughly two in every classroom. Economically, the eight (8) food allergens cost US families 25 billion dollars annually. In addition, tax funded local, state and federal food safety agencies are forced to respond to what can be a preventable food safety/poisoning-type exposure. It also should be noted that a food allergy is an impairment that limits a major life activity and may qualify an individual for protection under the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973.

The Centers for Disease Control & Prevention reports that the prevalence of food allergies in children increased by 50 percent between 1997 and 2011. Given there is no cure for food allergies, public health prevention measures remain the best method to reduce the number of anaphylactic reactions that result in the following:

- Every three minutes, a food allergy reaction sends someone to the emergency room.¹

- Each year in the U.S., 200,000 people require emergency medical care for allergic reactions to food.²
- Pediatric hospitalizations for food allergies tripled between the late 1990s and the mid - 2000s. Between 2004 and 2006, an average of 9,500 children received in - patient hospital care for food allergies each year.³
- About 40 percent of children with food allergies have experienced a severe allergic reaction such as anaphylaxis.?
- Each year, roughly 30,000 individuals require emergency room treatment and 150 individuals die because of allergic reactions to food.?

The Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282, Title II) (FALCPA) improved food labeling information for the millions of consumers who suffer from food allergies. The Act is especially helpful to children who must learn to recognize the allergens they must avoid.

Furthermore, according to the Food Allergen Labeling and Consumer Protect Act (FALCPA) the eight major allergens must be declared in simple terms either in the ingredient list or via a separate allergen statement. However, FALCPA does not regulate the use of advisory/precautionary labeling (e.g., "may contain," "made in a facility that also processes").?

Consumers with food allergies depend on allergen information that is made available on labels and menus (or "notifications") when making a purchasing decision. In a recent survey of 788 food-allergic consumers and family members, respondents overwhelmingly preferred a combination of verbal and written allergen notifications. Like other developed countries similar to the United States, affording consumers information to make informed decisions provides them the opportunity to prevent unintended food allergen exposures. Given there is no cure, prevention is the best public health food safety control method to prevent unintended illness and death.

References:

1. Clark S, Espinola J, Rudders SA, Banerji, A, Camargo CA. Frequency of US emergency department visits for food - related acute allergic reactions. *J Allergy Clin Immunol.* 2011; 127(3):682 - 683.
2. U.S. Department of Education, Office for Civil Rights. Questions and Answers on the ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools. <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-504faq-201109.html>.
3. Branum A, Lukacs S. Food allergy among U.S. children: Trends in prevalence and hospitalizations. NCHS data brief, no 10. Hyattsville, MD: National Center for Health Statistics. 2008. <https://www.medpagetoday.com/upload/2008/10/23/allergy.pdf>.
4. Gupta RS, Springston MR, Warriar BS, Rajesh K, Pongracic J, Holl JL. The prevalence, severity, and distribution of childhood food allergy in the United States. *Pediatrics* 2011; 128(1):e9 - 17.
5. <https://www.fda.gov/food/food-allergengluten-free-guidance-documents-regulatory-information/food-allergen-labeling-and-consumer-protection-act-2004-falcpa>

6. *NIAID - Sponsored Expert Panel. Guidelines for the diagnosis and management of food allergy in the United States: Report of the NIAID - sponsored expert panel. J Allergy Clin Immunol. 2010; 126(6):S1 - 58*

Website:

<https://www.fda.gov/Food/IngredientsPackagingLabeling/FoodAllergens/default.htm>

Please refer to Supporting Attachments:

3. Allergen Notification Consumer Survey
4. Food Industry Survey Results
5. Restaurant servers' risk perceptions and risk communication-related behaviors when serving customers with food allergies in the US
6. Comparing the Eating Out Experiences of Consumers Seeking to Avoid Different Food Allergens
7. Consumer Preferences for Written and Oral Information about Allergies When Eating Out
8. Food Allergy Knowledge and Attitudes of Restaurant Managers and Staff: An EHS-Net Study

Recommended Solution: The Conference recommends...:

That a letter be sent to FDA requesting that a new Paragraph be added to Section 3-602.12 of the most recent edition of Food Code as shown below (new language underlined).

3-602.12 Other Forms of Information

The PERMIT HOLDER shall notify CONSUMERS of the presence of MAJOR FOOD ALLERGENS as ingredients in unpackaged FOOD items using brochures, deli case or menu notifications, label statements, table tents, placards, or other effective written means. CONSUMER notifications of MAJOR FOOD ALLERGENS must be specific to FOOD items that contain MAJOR FOOD ALLERGENS and must include either the common name or an easily-understood image of the relevant MAJOR FOOD ALLERGEN.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

AC#6 Amend Food Code:Major Food Allergen Notification Upon Consumer Request

Issue you would like the Conference to consider:

Amend Section 3-602.12 of the Food Code to add a new Paragraph to require the PERMIT HOLDER to, upon request, provide CONSUMERS with a written list of all MAJOR FOOD ALLERGEN ingredients in FOOD items.

Public Health Significance:

Each year, millions of Americans have allergic reactions to food. Although most food allergies cause relatively mild symptoms some food allergies can cause severe reactions that are life-threatening. There is no cure for food allergies. Strict avoidance of food allergens and early recognition and management of allergic reactions to food are important measures to prevent serious health consequences.

Food allergies are a significant and emerging public health concern and impact approximately 15 million Americans, including 5.9 million children under the age of 18. That's 1 in 13 children or roughly two in every classroom. Economically, the eight (8) food allergens cost US families 25 billion dollars annually. In addition, tax funded local, state and federal food safety agencies are forced to respond to what can be a preventable food safety/poisoning-type exposure. It also should be noted that a food allergy is an impairment that limits a major life activity and may qualify an individual for protection under the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973.

The Centers for Disease Control & Prevention reports that the prevalence of food allergies in children increased by 50 percent between 1997 and 2011. Given there is no cure for food allergies, public health prevention measures remain the best method to reduce the number of anaphylactic reactions that result in the following:

- Every three minutes a food allergy reaction sends someone to the emergency room.¹

- Each year in the U.S., 200,000 people require emergency medical care for allergic reactions to food.²
- Pediatric hospitalizations for food allergies tripled between the late 1990s and the mid-2000's. Between 2004 and 2006 an average of 9,500 children received in-patient hospital care for food allergies each year.³
- About 40 percent of children with food allergies have experienced a severe allergic reaction such as anaphylaxis.?
- Each year roughly 30,000 individuals require emergency room treatment and 150 individuals die because of allergic reactions to food.?

The Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282, Title II) (FALCPA) improved food labeling information for the millions of consumers who suffer from food allergies. The Act is especially helpful to children who must learn to recognize the allergens they must avoid.

Furthermore, according to the Food Allergen Labeling and Consumer Protection Act (FALCPA) the eight major allergens must be declared in simple terms either in the ingredient list or via a separate allergen statement. However, FALCPA does not regulate the use of advisory/precautionary labeling (e.g., "may contain," "made in a facility that also processes").?

Consumers with food allergies depend on allergen information that is made available on labels and menus (or "notifications") when making a purchasing decision. In a recent survey of 788 food-allergic consumers and family members, respondents overwhelmingly preferred a combination of verbal and written allergen notifications. Like other developed countries similar to the United States, affording consumers information to make informed decisions provides them the opportunity to prevent unintended food allergen exposures. Given there is no cure, prevention is the best public health food safety control method to prevent unintended illness and death.

References:

1. Clark S, Espinola J, Rudders SA, Banerji, A, Camargo CA. Frequency of US emergency department visits for food - related acute allergic reactions. *J Allergy Clin Immunol.* 2011; 127(3):682 - 683.
2. U.S. Department of Education, Office for Civil Rights. Questions and Answers on the ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools. <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-504faq-201109.html>.
3. Branum A, Lukacs S. Food allergy among U.S. children: Trends in prevalence and hospitalizations. NCHS data brief, no 10. Hyattsville, MD: National Center for Health Statistics. 2008. <https://www.medpagetoday.com/upload/2008/10/23/allergy.pdf>.
4. Gupta RS, Springston MR, Warrier BS, Rajesh K, Pongracic J, Holl JL. The prevalence, severity, and distribution of childhood food allergy in the United States. *Pediatrics* 2011; 128(1):e9 - 17.
5. <https://www.fda.gov/food/food-allergengluten-free-guidance-documents-regulatory-information/food-allergen-labeling-and-consumer-protection-act-2004-falcpa>

6. *NIAID - Sponsored Expert Panel. Guidelines for the diagnosis and management of food allergy in the United States: Report of the NIAID - sponsored expert panel. J Allergy Clin Immunol. 2010; 126(6):S1 - 58*

Website:

<https://www.fda.gov/Food/IngredientsPackagingLabeling/FoodAllergens/default.html>

Please refer to Supporting Attachments:

3. Allergen Notification Consumer Survey

4. Food Industry Survey Results

5. Restaurant servers' risk perceptions and risk communication-related behaviors when serving customers with food allergies in the US

6. Comparing the Eating Out Experiences of Consumers Seeking to Avoid Different Food Allergens

7. Consumer Preferences for Written and Oral Information about Allergies When Eating Out

8. Food Allergy Knowledge and Attitudes of Restaurant Managers and Staff: An EHS-Net Study

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA requesting that a new Paragraph be added to Section 3-602.12 of the most recent edition of Food Code as shown below (new language underlined): ...

3-602.12 Other Forms of Information

Upon request, the PERMIT HOLDER shall provide CONSUMERS with a written list of all MAJOR FOOD ALLERGEN ingredients in FOOD items.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

PSC Issue #1: Report - 2018-2020 Program Standards Committee

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 and thank the committee members for their work and dedication during the 2018-2020 biennium.

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 questions about the Retail Program Standards.

Recommended Solution: The Conference recommends...:

1. Acknowledgment of the 2018-2020 Program Standards Committee Final Report; and
2. Thanking the Committee members for their work and dedication during the 2018-2020 biennium.

The Conference further recommends the Program Standards Committee, a CFP standing committee, be charged with the following during the 2018-2020 biennium:

1. Identify inconsistencies in language between all Standards in the Retail Program Standards;

2. Continue review of initiatives (existing, new or under development) involving the training, evaluation and/or certification of food safety inspection officers to ensure the sharing of information and eliminate unnecessary redundancy in the creation of work products or assignments of tasks/responsibilities; and

3. Maintain the "Crosswalk - Requirements for Foodborne Illness Training Programs" document as a resource for content baseline for foodborne illness training.

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Content Documents:

- "Program Standards Committee Final Report"
- "Program Standards Committee Roster"
- "Program Standards Committee Work Plan"
- "Crosswalk - Requirements for Foodborne Illness Training Programs"
- "Standard 8 - Proposed Model"
- "Draft CFP Training Manual Revision"
- "Draft Attachment A - CFP Training Plan and Log Revision"

Supporting Attachments:

- "Program Standards Committee subcommittee #1 final report"
- "Program Standards Committee subcommittee #2 final report"
- "Program Standards Committee subcommittee #3 final report"
- "Program Standards Committee subcommittee #4 final report"
- "Program Standards Committee subcommittee #5 final report"
- "Program Standards Committee Online Supporting Documents"
- "Standard 8 Summary"
- "Standard 8 PowerPoint"
- "Standard 8 Re-Evaluation of Staffing Level Model Pilot Study Report"
- "CFP PSC Subcommittee CWG Questions"
- "CWG Standard 4 Response"
- "Standard 4 - Statistical Methodology"

- "Partial Achievement Survey"
- "Preliminary Plan Review Proposal"
- "PSC Subcommittee #3 Meeting #1 Minutes 12 19 2018"
- "PSC Subcommittee #3 Meeting #2 Minutes 1 09 2019"
- "PSC Subcommittee #3 Meeting #3 Minutes 1 23 2019"
- "PSC Subcommittee #3 Meeting #4 Minutes 2 06 2019"
- "PSC Subcommittee #3 Meeting #5 Minutes 3 13 2019"
- "PSC Subcommittee #3 Meeting #6 Minutes 4 10 2019"
- "PSC Subcommittee #3 Meeting #7 Minutes 5 8 2019"
- "PSC Subcommittee #3 Meeting #8 Minutes 6 12 2019"
- "PSC Subcommittee #3 Meeting #9 Minutes 7 17 2019"
- "PSC Subcommittee #3 Meeting #10 Minutes 8 14 2019"
- "PSC Subcommittee #3 Meeting #11 Minutes 9 11 2019"
- "PSC Subcommittee #3 Meeting #12 Minutes 10 2 2019"
- "PSC Subcommittee #3 Charge 1 Training Evaluation and Cert. Initiatives"
- "PSC Subcommittee #3 Charge 2 Appendix B-1 Reformatted 1st Draft"
- "PSC Subcommittee #3 Charge 2 Appendix B-1 Reformatted 2nd Draft"
- "PSC Subcommittee #3 Charge 2 IFPTI Course Review"
- "PSC Subcommittee #3 Charge 3 Quality Elements Cross-referenced"
- "IFSS Curriculum Framework"
- "B2 Allergens IFPTI Course Profile"
- "B17 Laws Regulations IFPTI Course Profile"
- "B23 Public Health Principles IFPTI Course Profile"
- "B25 Sampling IFPTI Course Profile"
- "B26 Sanitation Practices IFPTI Course Profile"
- "B8 Environmental Hazards IFPTI Course Profile"
- "B12 Integrated Food Safety System IFPTI Course Profile"
- "B15 Jurisdiction IFPTI Course Profile"
- "B16 Labeling IFPTI Course Profile"
- "B19 Pest Control IFPTI Course Profile"
- "B20 Plumbing IFPTI Course Profile"
- "B22 Professionalism IFPTI Course Profile"
- "B24 Recalls IFPTI Course Profile"
- "B27 Traceability IFPTI Course Profile"
- "B28 Transportation IFPTI Course Profile"
- "Draft 2017 VNRFRPS Self-Assessment Audit Form"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-018

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 issue was submitted for consideration at a previous biennial meeting, see issue: 2016 II-020; new or additional information has been included or attached and the recommended solution has been revised.

Title:

PSC Issue #2 New assessment tool for Standard 8 Staffing Level Criteria

Issue you would like the Conference to consider:

The Program Standards Committee has addressed the charges outlined in Issue 2018 II-018: Continue Revision of Voluntary National Retail Food Regulatory Program Standards (VNRFRPS) Standard 8 Staffing Level Criteria. The Committee has proposed a recommendation that the FDA modify the Standard 8 "Staffing Level" criteria by including the proposed model assessment tool as a secondary option to assess compliance based on the findings of the 2018 - 2020 Program Standards Committee, Subcommittee #2.

Public Health Significance:

The VNRFRPS offer a systematic approach to, through a continuous improvement process, enhance retail food regulatory programs. The VNRFRPS define and provide a framework designed to accommodate both traditional and emerging approaches of regulatory programs operating within an integrated food safety system. The Program Standards Committee established a subcommittee to address the specific charges in Issue 2018 II-018. The subcommittee, with support from staff from Harris County Public Health, created a new proposed model assessment tool, ensured it to be statistically sound, and completed a pilot study among 19 jurisdictions to test the proposed model. The information collected provided the means to: (1) Improve the proposed model assessment tool that was initially created by the Standard 8 Subcommittee in Issue # 2016 II-020; (2) Validate the statistical soundness of the proposed model by confirming there was no relationship found between times and frequencies provided by "high" and "low" performing jurisdictions; (3) Determine if the proposed model assessment tool could be used in the real world setting by conducting a Pilot Study to assess the functionality of the model among varying jurisdictions; and (4) Utilize data from the study to recommend the proposed model assessment tool be included in the Standard 8 "Staffing Level" criteria as an alternative way to determine compliance.

Recommended Solution: The Conference recommends...:

The Conference recommends that a letter be sent to FDA asking them to modify the "Description of Requirements" for "Staffing Level" in Standard 8 by including the proposed model assessment tool as an alternative option to assess compliance for the VNRFRPS.

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Supporting Attachments:

- "PSC Issue #2 list of 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.

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-019

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 issue was submitted for consideration at a previous biennial meeting, see issue: 2018 II-020; new or additional information has been included or attached.

Title:

PSC Issue #3 Posting updated Crosswalk - Requirements for Foodborne Illness

Issue you would like the Conference to consider:

Developing new and updated foodborne disease outbreak training programs will continue, and all target agencies could benefit from a process that updates a list of available training and reviews the programs. During the 2016-2018 CFP biennium, the Program Standards Committee (PSC) identified additional foodborne illness training resources but were unable to review them all for inclusion in the Crosswalk - Requirements for Foodborne Illness Training Programs Based on Standard 5 (Crosswalk) at that time. The 2018-2020 CFP PSC updated the Crosswalk with these additional resources. This document is posted on the CFP website; posting the updated 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. Adequate training of public health professionals, health agencies, universities, and industry in outbreak response can mitigate the negative impact of an outbreak. However, these entities may not be aware of the foodborne disease outbreak training that is currently available.

The Program Standards 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, and universities through the review of their foodborne illness training programs to determine if their program is complete and meets the requirements as outlined in Standard 5 of the Voluntary National Retail Food Regulatory Program Standards.

Recommended Solution: The Conference recommends...:

1. Approval of the updated document titled "Crosswalk - Requirements for Foodborne Illness Training Programs" (Crosswalk) (revision date 10/24/19) and authorizing the Conference to make any necessary edits before posting the document on the CFP website.
2. Replace the existing PDF file on the CFP website with the updated Crosswalk document.

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Supporting Attachments:

- "PSC Issue #3 list of supporting attachments"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-020

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: 2018 II-014; new or additional information has been included or attached.

Title:

PSC Issue #4 Maintenance and Posting of the Self-Assessment Tool (SA Tool)

Issue you would like the Conference to consider:

The Program Standards Committee recommends the SA Tool spreadsheet be maintained by FDA and posted on the Voluntary National Retail Food Regulatory Program Standards (Retail Program Standards) web page as a resource for programs enrolled in the Retail Program Standards.

Public Health Significance:

Jurisdictions need tools to report progress on compliance with the Retail Program Standards to their boards, councils and other policy makers. The SA Tool is a spreadsheet created by FDA that mirrors the content of the Retail Program Standard forms, but is a single location to track each standard and summarizes the overall progress in a single table. Many enrolled jurisdictions are not aware of the existence of the SA Tool. Posting the SA Tool on the Retail Program Standards web page will make it accessible to enrolled jurisdictions. The SA Tool should be modified as the Program Standards are updated.

Recommended Solution: The Conference recommends...:

That a letter be sent to FDA asking them to:

1. Maintain the SA Tool that aligns with revisions of the Retail Program Standards
2. Post the SA Tool on the FDA Retail Program Standards web site under the "Information about Enrolling and Participating in the Retail Program Standards" section of the page with a notation that it is not a required form. <https://www.fda.gov/food/voluntary-national-retail-food-regulatory-program-standards/voluntary-national-retail-food-regulatory-program-standards-november-2019>

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Supporting Attachments:

- "PSC Issue #4 list of supporting attachments"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-021

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

Delegate Action: Accepted _____ Rejected _____

All information above the line is for conference use only.

Issue History:

This is a brand new Issue.

Title:

Creation of a Digital Food Safety System Committee

Issue you would like the Conference to consider:

That a Digital Food Safety System Committee be created of members from all constituencies of the CFP.

Public Health Significance:

Technology platforms available to the foodservice industry today can provide levels of operational insights not previously possible. These systems provide real-time information that support a preventative approach to managing food safety. By establishing industry supported best practices focused on measuring and reporting on active managerial control foodborne illness incidents will be reduced.

Recommended Solution: The Conference recommends...:

The creation of a Digital Food Safety System Committee to complete the following charges and report it findings at the 2022 CFP Meeting.

The Committee will be charge with:

1. Identify best practices, existing guidance documents, and research that relate to the use of digital food safety management systems.
2. Develop a guidance document for food establishments and regulatory authorities that establishes General Best Practice Guidelines for Digital Food Safety Management Systems.
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 4 (Management of Food Safety Practices - Achieving Active Managerial Control of Foodborne Illness Risk Factors), 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 2022 Biennial Meeting of the Conference for Food Protection.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-022

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:

Creation of a Digital Temperature Monitoring Equipment Committee

Issue you would like the Conference to consider:

That a Digital Temperature Monitoring Equipment Committee be created of members from all constituencies of the CFP.

Public Health Significance:

Digital Temperature Monitoring Equipment available to the foodservice industry today provide real-time information that support a preventative approach to managing food safety. By establishing industry supported best practices foodservice operators will be able to make better informed decisions and reduce unnecessary food waste due to temperature abuse.

Recommended Solution: The Conference recommends...:

The creation of a Digital Temperature Monitoring Equipment Committee to complete all charges and report back findings at the 2022 CFP meeting.

The Committee will be charge with:

1. Identify best practices, existing guidance documents, and research that relate to the use of digital temperature monitoring equipment.
2. Develop a guidance document for food establishments and regulatory authorities that establishes General Best Practice Guidelines for Digital Temperature Monitoring Equipment.
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 4 (Management of Food Safety Practices - Achieving Active Managerial Control of Foodborne Illness Risk Factors), 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.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-023

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 issue was submitted for consideration at a previous biennial meeting, see issue: 2018 II-014; new or additional information has been included or attached and the recommended solution has been revised.

Title:

PSC #5 Continuation of Issue 2018 II-014 PSC2

Issue you would like the Conference to consider:

The Program Standards Committee recommends continuation of Issue 2018 II-014, charge 1, to have the FDA work with the Program Standards Committee (PSC) to incorporate plan review in the Voluntary National Retail Food Regulatory Program Standards (VNRFRPS).

Public Health Significance:

Plan review helps ensure retail food establishments are designed to have adequate facilities, systems, and equipment to safely store, prepare and serve food. The plan review function supports behaviors that reduce the occurrence of risk factors associated with foodborne illness.

Lack of plan review or incomplete plan review may result in conditions that contribute to foodborne illness, such as a lack of proper equipment to properly store or hold food at safe temperatures, unsanitary conditions that promote pest infestation, contamination from employees, raw animal foods, unclean food contact surfaces, etc.

Recommended Solution: The Conference recommends...:

1. The Program Standards committee and FDA staff continue to explore the feasibility of incorporation of plan review functions into the standards either as a stand-alone standard or inserted into the existing standards in the VNRFRPS.
2. Acknowledgement of the Preliminary Plan Review Proposal document to be utilized as a starting point for the 2020-2022 Program Standards Committee work on this issue.

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Supporting Attachments:

- "PSC Issue #5 list of 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.

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-024

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:

PSC Issue #6 Amend Standard 2 Appendix B-1 format

Issue you would like the Conference to consider:

The current formatting of Voluntary National Retail Food Regulatory Program Standards (VNRFRPS or Standards) Standard 2: Trained Regulatory Staff, Appendix B-1: Curriculum for Retail Food Safety Inspection Officers implies the course listed is the only course that will fulfill the training requirement.

There is the possibility of change in learning management system (LMS) platforms used by the FDA resulting in course availability issues and other comparable courses may be needed as substitutions. In addition, many of the courses listed in Appendix B-1 were developed over 10 years ago.

Public Health Significance:

Many health authority jurisdictions use Option 1 (the courses in Appendix B-1) to meet Step 1: Pre-Inspection Curriculum of Standard 2. If courses currently listed in Appendix B-1 are no longer available, jurisdiction will not be able to use Option 1.

The FDA has a contract with International Food Protection Training Institute (IFPTI) to develop a curriculum framework and associated coursework for food protection professionals as part of the Food Safety Modernization Act. The IFPTI courses, developed by subject matter experts, are more up to date than ComplianceWire courses and are being updated to include contemporary eLearning course design and technologies creating a more interactive experience for the learner resulting in better retention of the material. Many of these courses can be used to meet the curriculum requirements of Standard 2.

Reformatting of Appendix B-1 to change course titles to curriculum topics and listing courses which fulfill curriculum topics reinforces that alternate courses may be used to fulfill the topic.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that Voluntary National Retail Food Regulatory Program Standards, Standard 2: Trained Regulatory Staff, Appendix B-1: Curriculum for Retail Food Safety Inspection Officers be reformatted into a table with curriculum topics in one column and courses which fulfill the curriculum topics in another column. Appendix B-1 Reformatted 1st Draft and 2nd Draft better show that other courses may be used if deemed equivalent by the regulatory jurisdiction.

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Supporting Attachments:

- "PSC Issue #6 list of supporting attachments"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-025

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:

PSC Issue #7 Amend Std 2 curriculum to replace select courses with updates

Issue you would like the Conference to consider:

FD252 Allergen Management, FDA 35 Basic Food Law for State Regulators, FDA36 Public Health Principles, MIC13 Aseptic Sampling, MIC15 Cleaning and Sanitizing, of the Voluntary National Retail Food Regulatory Program Standards (VNRFRPS), Program Standard 2, Trained Regulatory Staff Appendix B-1, Coursework for Food Safety Inspection Officers (FSIO) all have outdated content and require replacement with upgraded course content that provides more relevant and up-to-date information.

Public Health Significance:

The updated course content was developed as part of a cooperative agreement between the International Food Protection Training Institute (IFPTI) and the FDA. In Standard 2, Trained Regulatory Staff, the VNRFRPS describe the training process for an FSIO to obtain the knowledge, skills and ability to adequately perform their duties. Standard 2 identifies allergen management as a required competency for individuals conducting regulatory inspections. As per the B2 Allergens IFPTI course profile, the course includes information that will assist an FSIO in discussing the control of allergens in relation to food safety, labeling requirements, and Food Safety Modernization Act (FSMA).

Standard 2 identifies statutes, regulation, and ordinances as a required competency for individuals conducting regulatory inspections. As per the B17 Laws, Regulations, Policies, and Procedures IFPTI course profile, the course includes information that will assist an FSIO in discussing foundations, constitution, law, regulation, policy, procedures, and guidance.

Standard 2 indicates that an understanding of public health principles is a required competency for individuals conducting regulatory inspections. FDA36 Public Health Principles covers this subject matter but is directed at public health professionals in a variety of program areas. As per the B23 Public Health Principles IFPTI course profile, the course is updated and focused more specifically on food protection professionals. B23

includes contemporary examples, such as the bovine spongiform encephalopathy (BSE) outbreak in the United Kingdom and the E. coli O157:H7 outbreak in the United States during 1993. These examples are used to describe subsequent changes in public policy and describe the methodology for disease mitigation.

Standard 2 identifies food microbiology and epidemiology as required competencies for individuals conducting regulatory inspections, including the collection of samples during foodborne illness investigations. As per the B25 Sampling IFPTI course profile, the course covers the same material as MIC13, but also includes a subtitled video demonstration of protocols for collecting aseptic samples. Additionally, the course describes the methods and rationale for collecting and documenting samples that are legally and scientifically defensible, including chain of custody.

Standard 2 identifies food microbiology as a required competency for individuals conducting regulatory inspections. As per the B26 Sanitation Practices IFPTI course profile, the course covers the same material as MIC15 but expands on that content to include construction materials, establishment layout and other principles relevant to sanitary engineering. It addresses the distinction between cleaning and sanitizing, barriers to accomplishing both activities, the limitations and thresholds for different methods.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting the replacement of the following courses with committee suggested courses as they contain material that is a significant upgrade in course content and provide more relevant and up-to-date information:

(1) the replacement of FD252 Allergen Management in Standard 2, Trained Regulatory Staff, "post" curriculum with coursework such as the International Food Protection Training Institute course B2 Allergens (CC8029W);

(2) the replacement of FDA35 Basic Food Law for State Regulators in Standard 2, Trained Regulatory Staff, "pre" curriculum with coursework such as the International Food Protection Training Institute course B17 Laws, Regulations, Policies, and Procedures (CC8039W);

(3) the replacement of FDA36 Public Health Principles with an updated course, such as the International Food Protection Training Institute Course B23 Public Health Principles (CC8026W) in the "pre" curriculum for Standard 2 in the Voluntary National Retail Food Regulatory Program Standards;

(4) the replacement of MIC13 Aseptic Sampling with an updated course, such as the International Food Protection Training Institute Course B25 Sampling (CC8035W) in the "pre" curriculum for Standard 2 in the Voluntary National Retail Food Regulatory Program Standards; and

(5) the replacement of MIC15, "Cleaning & Sanitizing," with an updated course, such as the International Food Protection Training Institute Course B26 Sanitation Practices (CC8032W) in the "pre-requisite" curriculum for Standard 2 in the Voluntary National Retail Food Regulatory Program Standards.

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Supporting Attachments:

- "PSC Issue #7 list of supporting attachments"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-026

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 issue was submitted for consideration at a previous biennial meeting, see issue: 2018 II-019 and 2016 II-015; new or additional information has been included or attached and the recommended solution has been revised.

Title:

PSC Issue #8 Amend Standard 2 to include additional "pre" and "post" topics

Issue you would like the Conference to consider:

Voluntary National Retail Food Regulatory Program Standards (VNRFRPS), Program Standard 2, Trained Regulatory Staff Appendix B-1, Coursework for Food Safety Inspection Officers (FSIO) is lacking courses on the following topics: environmental hazards, integrated food safety systems, jurisdiction, labeling, pest control, plumbing, professionalism, recalls, traceability, and transportation.

Public Health Significance:

In Standard 2, Trained Regulatory Staff, the VNRFRPS describe the training process for an FSIO to obtain the knowledge, skills and ability to adequately perform their duties. New coursework was developed as part of a cooperative agreement between the International Food Protection Training Institute (IFPTI) and the FDA. Standard 2 identifies public health principles as a required competency for individuals conducting regulatory inspections. As per the B8 Environmental Hazards IFPTI course profile, the course includes information that will assist an FSIO in developing knowledge, skills, and abilities related to environmental hazards as sources of contamination, and associated control methods.

Standard 2 identifies communication as a required competency for individuals conducting regulatory inspections. As per the B12 Integrated Food Safety System IFPTI course profile, the course includes information that will assist an FSIO in discussion of integrated food safety system foundations, stakeholders, mutual reliance, and program standards.

Standard 2 identifies statutes, regulations, and ordinances as a required competency for individuals conducting regulatory inspections. As per the B15 Jurisdiction IFPTI course profile, the course includes information that will assist an FSIO in gaining introductory knowledge, skills, and abilities related to various regulatory agencies and their authority over feed and food. The topics covered in this course include foundations, law, crossing

boundaries, inter-agency agreements. The student will be able to describe which agencies have authority to conduct specific regulatory activities.

Standard 2 identifies basics of inspection as a required competency for individuals conducting regulatory inspections. As per the B16 Labeling IFPTI course profile, the course includes information that will assist an FSIO in gaining introductory knowledge of labeling laws and regulations and components of feed and food labels. While conducting inspections, trained inspection staff will routinely encounter product labels and may need to interpret labeling for determination of compliance.

Pest Control is another key public health principle and required competency for individuals conducting regulatory inspections. As per the B19 Pest Control IFPTI course profile, the course includes information that will assist an FSIO in explaining how pest activity can impact food safety, discussing pests of significance to human and animal health, discussing the importance of facility design for pest control, describing sanitation practices for pest control, and discussing how pest management is used to control pests. While conducting inspections, trained inspection staff will need to rely on knowledge of how integrated pest management impacts food safety.

Adequate assessment of plumbing is also part of inspection basics. As per the B20 Plumbing IFPTI course profile, the course provides information on plumbing controls used in commercial food establishments to protect the potable water supply from contamination, citing contemporary examples where illness and injury could have been prevented with properly maintained plumbing devices. The course includes photos and diagrams that illustrate the function of plumbing devices that an inspector will be evaluating during inspections. The material also identifies the differences between public and private water supplies and how these differences inform the questions that should be asked by the regulator during an inspection.

Knowledge of professionalism standards also supports the required competency of communication for individuals conducting regulatory inspections. As per the B22 Professionalism IFPTI course profile, the course includes information that will assist an FSIO in communicating effectively, demonstrating professional conduct and avoiding the appearance of misconduct.

Knowledge of prevailing statutes, regulations and ordinances also includes recall procedures. As per the B24 Recalls IFPTI course profile, the course is an introduction to the process of removing products from commerce when they are adulterated or misbranded. It addresses important distinctions, such as the difference between product recalls and market withdrawals. B24 Recalls also covers the disposition of food products, assessing risk, documentation, and how to coordinate with other jurisdictions, state agencies and the FDA.

Standard 2 indicates that an understanding of food microbiology and epidemiology is required for regulators. As per the B27 Traceability IFPTI course profile, the course serves as a primer for tracking human and animal foods through the supply chain. The traceback processes and necessary documentation are clearly defined, and the rationale is provided for when and why a traceback is conducted. B27 Traceability builds on material presented in the Foodborne Illness Investigations series.

As per the B28 Transportation IFPTI course profile, the course introduces material pertaining to preventing contamination of food during transport. It addresses transportation

methods, security and product safety along the chain of custody. The course cites contemporary examples, such as a Salmonella enteritidis outbreak in Minnesota. B28 Transportation also includes information on pest control, HACCP and temperature control as it relates to transporting food. Regulators must consider the impact of a compromised supply chain on the flow of food.

Recommended Solution: The Conference recommends...:

That a letter be sent to the FDA requesting the following coursework be added as they are important topics that are not currently covered in the Standard 2 curriculum and are necessary for a new Food Safety Inspection Officer's baseline knowledge. :

(1.) The addition of coursework on environmental hazards, such as the International Food Protection Training Institute Course B8 Environmental Hazards (CC8024W) to the "pre" curriculum for Standard 2 in the Voluntary National Retail Food Regulatory Program Standards;

(2.) The addition of coursework on integrated food safety system, such as the International Food Protection Training Institute Course B12 Integrated Food Safety System (CC8018W) to the "post" curriculum for Standard 2 in the Voluntary National Retail Food Regulatory Program Standards;

(3.) The addition of coursework on jurisdictional authority, such as the International Food Protection Training Institute Course B15 Jurisdiction (CC8037W) to the "pre" curriculum for Standard 2 in the Voluntary National Retail Food Regulatory Program Standards;

(4.) The addition of coursework on labeling, such as the International Food Protection Training Institute Course B16 Labeling (CC8038W) to the "post" curriculum for Standard 2 in the Voluntary National Retail Food Regulatory Program Standards;

(5.) The addition of coursework on pest control, such as the International Food Protection Training Institute Course B19 Pest Control to the "pre" curriculum for Standard 2 in the Voluntary National Retail Food Regulatory Program Standards;

(6.) The addition of coursework on plumbing, such as the International Food Protection Training Institute Course B20 Plumbing (Course under development-upgrade from CC8001W) to the "pre" curriculum for Standard 2 in the Voluntary National Retail Food Regulatory Program Standards;

(7.) The addition of coursework on professionalism, such as the International Food Protection Training Institute Course B22 Professionalism (CC8025W) to the "pre" curriculum for Standard 2 in the Voluntary National Retail Food Regulatory Program Standards;

(8.) The addition of coursework on recalls, such as the International Food Protection Training Institute Course B24 Recalls (CC8041W) to the "post" curriculum for Standard 2 in the Voluntary National Retail Food Regulatory Program Standards;

(9.) The addition of coursework on traceability, such as the International Food Protection Training Institute Course B27 Traceability (CC8042W) to the "post" curriculum for Standard 2 in the Voluntary National Retail Food Regulatory Program Standards; and

(10.) The addition of coursework on transportation, such as the International Food Protection Training Institute Course B28 Transportation (CC8036W) to the "post"

curriculum for Standard 2 in the Voluntary National Retail Food Regulatory Program Standards.

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Supporting Attachments:

- "PSC Issue #8 list of supporting attachments"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

PSC Issue #9 Amend Std 2 to increase the time for completion of Steps 1-4

Issue you would like the Conference to consider:

The Voluntary National Retail Food Regulatory Program Standards (VNRFRPS), Standard 2: Trained Regulatory Staff requires that Steps 1 through 4 are completed within 18 months of hire or assignment to the retail food regulatory program. This timeframe can be difficult to meet and does not align with the time frame provided by Standard 2 - Training Program of the Manufactured Food Regulatory Program Standards (MFRPS).

Public Health Significance:

Standard 2 ensures that regulatory retail food program inspection staff shall have the knowledge, skills, and ability to adequately perform their required duties. The following is a schematic of a 5-step training and standardization process to achieve the required level of competency:

Step 1: Pre-Inspection Curriculum

Step 2: Initial Field Training and Experience

Step 3: Independent Inspections and Completion of All Curriculum Elements

Step 4: Food Safety Inspection Officer - Field Standardization

Step 5: Continuing Education and Training

Standard 2 requires that ninety percent of the regulatory retail food program inspection staff must have successfully completed the required elements of steps 1 through 4 within 18 months of hire or assignment to the retail food regulatory program.

In many regulatory jurisdictions, retail food inspection staff are generalists performing multiple environmental health functions. Upon hire or reassignment, staff must be trained in many disciplines including water, wastewater, air quality, on-site waste management, aquatic health, public accommodations, housing, and solid waste in addition to retail food.

Allowing for more time to steps 1-4 will make the retail food training requirements in Standard 2 more attainable.

One of the major hurdles for regulatory jurisdictions to meet the Standard 2 is the completion of a standardization process similar to the FDA standardization procedures. This process requires a Standardized Food Safety Inspection Officer who has been standardized by FDA to conduct standardization of inspection staff or to create State Standards to conduct standardization of inspection staff. Standardized Food Safety Inspection Officer are in short supply and high demand. In some states, local regulatory jurisdictions participate in VNRFRPS, but the state does not, and a Standardized Food Safety Inspection Officer is not available. In other states, travel is required for the Standardized Food Safety Inspection Officer to perform standardization for local regulatory jurisdictions resulting in financial concerns. Additionally, scheduling and conducting eight joint field inspections of food establishments is very time consuming. Allowing for more time to complete the field standardization process may not alleviate all obstacles, but it will make the requirement more attainable.

Many regulatory jurisdictions participate in both VNRFRPS and MFRPS. Standard 2 - Training Program of the MFRPS allows for 24 months to complete a basic food inspection training curriculum that consists of coursework and field training. Increasing the timeframe for VNRFRPS, Standard 2 to 24 months will align with the requirements of MFRPS, Standard 2.

Recommended Solution: The Conference recommends...:

The Conference recommends that a letter be sent to the FDA requesting the Voluntary National Retail Food Regulatory Program Standards (VNRFRPS), Standard 2: Trained Regulatory Staff be amended to increase the timeframe for completion of Steps 1 - 4 to 24 months.

Amended language for VNRFRPS Standard 2:

Description of Requirement

Ninety percent (90 %) of the regulatory retail food program inspection staff (Food Safety Inspection

Officers - FSIO) shall have successfully completed the required elements of the 5-step training and

standardization process:

- Steps 1 through 4 within ~~48~~ 24 months of hire or assignment to the retail food regulatory program.
- Step 5 every 36 months after the initial ~~48~~ 24 months of training.

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Supporting Attachments:

- "PSC Issue #9 list of supporting attachments"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

PSC Issue #10 Amend CFP Training Manual to add Quality Program Elements

Issue you would like the Conference to consider:

Voluntary National Retail Food Regulatory Program Standards (VNRFRPS or Standards), Standard 4: Uniform Inspection Staff requires that Program Management implements an on-going quality assurance program that evaluates inspection uniformity to ensure inspection quality, inspection frequency and uniformity among the regulatory staff, in accordance with twenty quality assurance program elements:

Program Element III requires that inspection staff "Verifies that the establishment is in the proper risk category and that the required inspection frequency is being met. Informs the supervisor when the establishment is not in the proper risk category or when the required frequency is not met";

Program Element IX requires that inspection staff "Discuss options for the long-term control of risk factors with establishment managers, when the same out-of-control risk factor occurs on consecutive inspections, in accordance with the jurisdiction's policies. Options may include, but are not limited to; risk control plans, standard operating procedures, equipment and/or facility modification, menu modification, buyer specifications, remedial training, or HACCP plans"; and

Program Element XVIII requires that inspection staff "Documents that options for the long-term control of risk factors were discussed with establishment managers when the same out-of-control risk factor occurs on consecutive inspections. Options may include, but are not limited to, risk control plans, standard operating procedures, equipment and/or facility modification, menu modification, buyer specifications, remedial training, or HACCP Plans."

Ideally, all program elements of the quality assurance plan should be addressed during training of inspection staff. Program Elements III, IX, and XVIII are not currently addressed in Standard 2: Trained Regulatory Staff and should be added.

The Program Standards Subcommittee #3 was charged to assess if any changes will be needed in Standard 2 to provide better alignment with Standard 4. After detailed review and deliberation, it was determined that amending the CFP Training Manual and

Attachment A - CFP Training Plan and Log performance elements will result in better alignment of the Standard 2 with Standard 4. See *Draft CFP Training Plan Revision and Draft Attachment A - CFP Training Plan and Log Revision*.

Public Health Significance:

Program Element III - Standard 3 requires that regulatory jurisdictions assign inspection frequency based on the risk categories to focus program resources on food operations with the greatest food safety risk. With limited resources, creating a variable inspection frequency for each category will allow inspection staff to effectively spend more time in high risk establishments that pose the greatest potential risk of causing foodborne illness. To make the best use of inspection staff's time, it is important that food establishments are assigned the correct risk category. In addition, many jurisdictions use risk categories as a basis for permit fees, so it is important to both the food industry and the regulatory agency that the risk category is correct.

Standard 2 requires that regulatory retail food program inspection staff shall have the knowledge, skills, and ability to adequately perform their required duties. This includes successful completion of the jurisdiction's Field Training Plan similar to the process outlined in the Conference for Food Protection (CFP) Field Training Manual. As noted in the Program Standards Committee Subcommittee #3 Final Report, the CFP Field Training Manual does not address Standard 4 Program Element III: "Verifies that the establishment is in the proper risk category and that the required inspection frequency is being met. Informs the supervisor when the establishment is not in the proper risk category or when the required frequency is not met." To properly address Standard 4 Program Element III, two changes to the CFP Training Manual and Attachment A - CFP Training Plan and Log are needed.

Program Element IX - Foodborne illness risk factors are food handling practices and behaviors commonly identified by the CDC as contributing factors in foodborne illness in retail food establishments. Observation of the same out-of-control risk factor on consecutive inspections indicates a lack of active managerial control by the facility management. At this point the violation has been identified and control measures discussed the first time the violation was observed. At the time of the second consecutive violation of the same risk factor, additional remedies must be discussed with facility management to gain long-term control (options may include, but are not limited to; risk control plans, standard operating procedures, equipment and/or facility modification, menu modification, buyer specifications, remedial training, or HACCP plans).

As noted in the Program Standards Committee Subcommittee #3 Final Report, the CFP Field Training Manual does not address Standard 4 Program Element IX: "Discuss options for the long-term control of risk factors with establishment managers, when the same out-of-control risk factor occurs on consecutive inspections, in accordance with the jurisdiction's policies..."

Program Element XVIII - Observation of the same out-of-control risk factor on consecutive inspections indicates the need for long-term behavior change that will result in a reduction in the occurrence of risk factor violations. Inspection staff should discuss with management the importance of correcting the risk factor and offer suggestions for long-term control measures such as the development of food safety management systems, equipment

and/or facility modification, menu modification, buyer specifications, remedial training, or HACCP Plans.

Future violations of the same out-of-control risk factor may require compliance activities and it is important that options for the long-term control of risk factors discussed with establishment managers previously were documented in the establishment file. This documentation also demonstrates due diligence of the regulatory authority to work with establishment management to gain compliance and reduce the occurrence of out-of-control risk factors.

As noted in the Program Standards Committee Subcommittee #3 Final Report, the CFP Field Training Manual does not address Standard 4 Program Element XVIII: "Documents that options for the long-term control of risk factors were discussed with establishment managers when the same out-of-control risk factor occurs on consecutive inspections. Options may include, but are not limited to, risk control plans, standard operating procedures, equipment and/or facility modification, menu modification, buyer specifications, remedial training, or HACCP Plans."

Recommended Solution: The Conference recommends...:

for better alignment of Standard 2 with Standard 2 that the CFP Training Manual and Attachment A - CFP Training Plan and Log (see *Draft CFP Training Plan Revision* and *Draft Attachment A - CFP Training Plan and Log Revision*) be amended to address:

(1) Quality Assurance Program Element III in Section I Pre-inspection, #2. Reviews establishment file for previous inspection report, complaints on file, and if applicable, required HACCP Plans or documents supporting the issuance of a variance by the agency by including "current risk category assigned." This will result in additional language for Section I performance element #2 on pg. 7 of the CFP Training Manual;

(2) Quality Assurance Program Element III in Section I Pre-inspection, #2. Reviews establishment file for previous inspection report, complaints on file, and if applicable, required HACCP Plans or documents supporting the issuance of a variance by the agency by including the statement "Reviewed establishment file for documentation indicating the assigned risk category." This will result in a total of five items under Section I performance element #2 in Attachment A - CFP Training Plan and Log;

(3) Quality Assurance Program Element III in Section II Inspection Observations and Performance, #3 Uses a risk-based inspection methodology to correctly assess regulations related to employee practices and management procedures essential to the safe storage, preparation, and service of food by including the statement "and verify the establishment is assigned the correct risk category." This will result in additional language for Section II performance element #3 on pg. 8 of the CFP Training Manual;

(4) Quality Assurance Program Element III in Section II Inspection Observations and Performance, #3 Uses a risk-based inspection methodology to correctly assess regulations related to employee practices and management procedures essential to the safe storage, preparation, and service of food by including the statement "Verified the establishment is assigned the correct risk category, and when necessary, informs the supervisor when the establishment is not in the proper risk category." This will result in a total of sixteen items under Section II performance element #3 in Attachment A - CFP Training Plan and Log;

(5) Quality Assurance Program Element IX in Section II, Inspection Observations and Performance, #6 Verifies correction of out of compliance observations identified during previous inspection by including the statement "Discussed options for the long-term control of risk factors." This will result in additional language for Section II performance element #6 on pg. 8 of the CFP Training Manual;

(6) Quality Assurance Program Element IX in Section II, Inspection Observations and Performance, #6 Verifies correction of out of compliance observations identified during previous inspection by including the statement "Discussed options for the long-term control of risk factors with establishment managers when the same out-of-control risk factor occurs on consecutive inspections (e.g., risk control plans, standard operating procedures, equipment and/or facility modification, menu modification, buyer specifications, remedial training, or HACCP plans)." This will result in a total of two items under Section II performance element #6 in Attachment A - CFP Training Plan and Log;

(7) Quality Assurance Program Element XVIII in Section IV Written Communication, #1 Completes inspection form per jurisdiction's administrative procedures (e.g., observations; corrective actions; public health reason; applicable code reference; compliance dates) by including the statement "options for the long-term control of risk factors." This will result in additional language for Section IV performance element #1 on pg. 8 of the CFP Training Manual; and

(8) Quality Assurance Program Element XVIII in Section IV Written Communication, #1 Completes inspection form per jurisdiction's administrative procedures (e.g., observations; corrective actions; public health reason; applicable code reference; compliance dates) by including the statement "Documented that options for the long-term control of risk factors were discussed with establishment managers when the same out-of-control risk factor occurs on consecutive inspections." This will result in a total of eight items under Section IV performance element #1 in Attachment A - CFP Training Plan and Log.

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Supporting Attachments:

- "PSC Issue #10 list of supporting attachments"

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**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 _____

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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"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-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:

Creation of a Food Safety Management System (FSMS) Committee

Issue you would like the Conference to consider:

The FDA Food Code emphasizes the need for risk-based preventive controls and daily active managerial control (AMC) of the risk factors contributing to foodborne illness in food establishments. AMC is "the purposeful incorporation of specific actions or procedures by industry management into the operation of their business to attain control over foodborne illness risk factors" (FDA, 2018). AMC involves the proactive identification and prevention of food safety hazards through a continuous system of monitoring and verification procedures for performing critical operational steps in a food preparation process. Two strategies supporting AMC efforts in food establishments have received growing attention: The presence of a Certified Food Protection Manager (CFPM) and the implementation of Food Safety Management Systems (FSMSs).

FSMS refers to the incorporation of a specific set of actions (e.g., procedures, training, monitoring, and verification) to prevent, eliminate, or reduce the occurrence of foodborne illness risk factors in food establishments. While FSMS procedures vary across the retail and food service industry, purposeful implementation of procedures, training, and monitoring are consistent components of FSMSs. While several systems and tools are available internationally, including International Organization for Standardization (ISO 22000), Good Manufacturing Practices (GMP), Hazard Analysis and Critical Control Point (HACCP), British Retail Consortium (BRC) and Safe Quality Food Institute (SQF) (Codex, 2003; ISO 22000:2005, 2005; Luning et al., 2008), the ongoing prevalence and degree of implementation of these or similar systems within foodservice and retail food establishments in the United States remains understudied.

Inadequate FSMSs are thought to contribute to the worldwide burden of foodborne disease (Luning et al., 2008). For example, HACCP has been shown to have positive effects on food safety, but the poor implementation of HACCP has been described as a precursor to foodborne outbreaks (Cormier, 2007; Luning et al., 2009; Ropkins and Beck, 2000).

The 2013-2024 FDA Retail Food Risk Factor Study examines the occurrence of foodborne illness risk factors, food safety practices, and behaviors in food establishments. In the 2013-2014 Restaurant Data Collection study, the agency investigated the relationship between FSMSs, CFPM, and the occurrence of foodborne illness risk factors from 2013 to 2014. FSMSs were the strongest predictor of data items being out-of-compliance in both fast food and full-service restaurants. The average number of out-of-compliance data items was greatly reduced when there was a well-developed FSMS in place. This was true for both fast food restaurants and full-service restaurants. On average, restaurants with well-developed FSMSs had less than half as many risk factors and food safety practices that were out-of-compliance than restaurants with non-existent FSMSs.

The FDA has endorsed the voluntary development and implementation of documented food safety management systems in food establishments for many years:

1. *Managing Food Safety: A Manual for the Voluntary Use of HACCP Principles for Operators of Food Service and Retail Establishments* was first published in 1998 and has been endorsed by the Conference for Food Protection (CFP).
2. In the 2005 FDA Food Code, Annex 4, "Management of Food Safety Practices - Achieving Active Managerial Control of Foodborne Illness Risk Factors," was revised to further promote the voluntary development and implementation of documented FSMSs using HACCP principles as a tool to achieve AMC in food establishments. In June 2014, the restaurant members of the FDA-Restaurant Industry Partnership Group provided feedback to the FDA for updating Annex 4. Specifically, the group provided feedback on "what industry models are in use for AMC and are these in line with Annex 4?" and "what works in Annex 4 and what is not a fit?" In general, the industry members suggested that AMC should be viewed as a "system" for process management, as defined in Annex 4, to include HACCP as the approach. Other suggestions included: 1) To consider including "Demonstration of Knowledge" by the Person in Charge as a way to manage/control processes and qualify as AMC; 2) Consider including food handler training and the topic of food defense in the criteria for AMC; 3) Specific to "how can the occurrence of foodborne illness risk factors be reduced," suggest encouraging the following four topics/steps: instituting food safety standards, training to the standards, executing the standards, and verifying that the standards are being executed.
3. Following the October 2010 release of the *FDA Trend Analysis Report on the Occurrence of Foodborne Illness Risk Factors in Selected Institutional Foodservice, Restaurant, and Retail Food Store Facility Types (1998-2008)*, the FDA launched its Retail Food Safety Initiative which further emphasized the need for industry to establish food safety management systems and actively monitor compliance with those systems to reduce the occurrence of risk factors in retail operations.
4. Recognizing the importance of FSMSs in managing food safety hazards, since 2005, USDA has required that all public schools have in place a food safety plan based on process HACCP principles. Schools that do not meet this mandate are in jeopardy of losing their federal funds. The FDA collaborated with USDA on the development of the food safety plan model.

Despite over 20 years of promotion of voluntary FSMSs, widespread adoption of the Food Code across the U.S., and other ongoing food safety prevention efforts at the retail level,

foodborne illness from retail establishments continues to be a substantial public health burden that must be addressed in novel ways.

FDA has announced a New Era of Smarter Food Safety that includes examining new retail models and retail modernization in an effort to reduce foodborne illness at the retail level. The agency intends to publish a blueprint for this effort early in 2020. To support this effort, the FDA is recommending the formation of a CFP committee to provide recommendations to the agency on how best to promote the universal development and implementation of documented, HACCP principles-based FSMSs in food establishments.

Public Health Significance:

- Foodborne diseases cause approximately 48 million illnesses, 128,000 hospitalizations, and 3,000 deaths each year (Scallan et al., 2011). Depending on the estimation model used, the annual economic burden from health losses due to foodborne illness ranges from \$51.1 billion to \$77.7 billion (Scallan, 2012).
- From 2015 - 2018, the incidence of foodborne infections remained largely unchanged.¹
- Of the approximately 9.4 million illnesses each year in the United States traced to known foodborne disease agents, only a small subset of illnesses are associated with recognized outbreaks. During 2009-2015, the Foodborne Disease Outbreak Surveillance System (FDOSS) received reports of 5,760 outbreaks, resulting in 100,939 illnesses, 5,699 hospitalizations, and 145 deaths. A location of preparation was provided for 5,022 outbreak reports (87%), with 4,696 (94%) indicating a single location. Consistent with previous reporting periods, among outbreaks reporting a single location of preparation, restaurants were the most common location (2,880 outbreaks [61%]), followed by catering or banquet facilities (636 [14%]) and private homes (561 [12%]). Sit-down dining style restaurants (2,239 [48%]) were the most commonly reported type of restaurant. The locations of food preparation with the most outbreak-associated illnesses were restaurants (33,465 illnesses [43%]), catering or banquet facilities (18,141 [24%]), and institutions, such as schools (9,806 [13%]). The preparation location with the largest average number of illnesses per outbreak was institutions (46.5), whereas restaurants had the smallest (11.6) (Dewey et al., 2018).
- In 2017, 841 foodborne disease outbreaks were reported by 50 states, Washington, D.C., and Puerto Rico, resulting in 14,481 illnesses, 827 hospitalizations, 20 deaths, and 14 food recalls. Among the 761 outbreaks and 12,502 illnesses with a reported single location where food was prepared, 489 outbreaks (64%) and 5,533 associated illnesses (44%) were attributed to foods prepared in a restaurant. Among these single-location outbreaks, restaurants with sit-down dining were most commonly reported as the location where food was prepared (366 outbreaks, 48% of the outbreaks). (CDC, 2019)

In a study of restaurant-associated outbreaks in the United States from 1998-2013, Angelo, Nisler, Hall, Brown and Gould (2016) identified 9,788 restaurant-associated outbreaks, with a median of 620 outbreaks per year. Norovirus caused 46% of the 3,072 outbreaks associated with a single, confirmed etiology. Activities related to food handling and

preparation practices were the most commonly reported contributing factors within restaurant-associated outbreaks

Recommended Solution: The Conference recommends...:

A Food Safety Management System (FSMS) Committee be created to identify recommendations for developing and implementing documented, HACCP principles-based Food Safety Management Systems (FSMSs) in all food establishments to support FDA's blueprint for a New Era of Smarter Food Safety. The FSMS Committee should consider:

1. Identifying barriers to the universal *voluntary* development and implementation of documented FSMSs consistent with Annex 4 of the Food Code.
2. Identifying solutions for overcoming the identified barriers in #1 and provide recommendations for how to promote the solutions.
3. Conducting a pros/cons assessment of including a requirement for the development and implementation of documented FSMSs, consistent with Annex 4, in a future edition of the Food Code. In the assessment, the committee should consider providing feedback on: a) the hurdles/challenges involved in such a requirement; and b) recommendations on how a requirement might best be incorporated to proactively control foodborne illness risk factor occurrence while recognizing the diversity within the retail and food service industries. The committee should also consider a gap analysis of § 2-103.11 as a starting point.
4. Developing recommendations on next steps to promote universal development and implementation of documented FSMSs consistent with Annex 4.

The committee should report its findings and recommendations to the 2022 Biennial Meeting of the Conference for Food Protection. While FDA's efforts will be ongoing during this time, the findings and recommendations will continue to be useful to the agency as it continues to implement its blueprint on retail modernization.

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Supporting Attachments:

- "Reference Sheet"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-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:

Standard 1 Update to Require 80% of Certain Provisions

Issue you would like the Conference to consider:

Many times policy makers such as state legislatures and others outside the retail food program make decisions that impact the ability of the retail food program to meet all of the interventions and risk factors. This proposes changing the evaluation component to eighty percent adopting a percentage standard similar to the Good Retail Practices and not requiring a full-adoption of all invention and risk factors after the second self-assessment. For example, a legislature may choose to not ban barehand contact of ready-to-eat foods and all regulatory programs with the state automatically do not meet one of the of the 11 areas and after the second self-assessment would no-longer meet the Standard 1, because of an action completed un-related to the conduct of the regulatory program.

Public Health Significance:

This Standard currently is evaluating not only the regulatory program, but also decisions policy makers are making outside the regulatory programs control. The revisions allows programs to conform to the Standard if 80% of currently 9 to 11 of the Foodborne illness risk factors and public health interventions are adopted. While we absolutely support full adoption of the Code, the Standards already allow for this lower number for the first two self-assessments and the amendment seeks to eliminate the subsequent requirement for 100% adoption.

Recommended Solution: The Conference recommends...:

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that the Voluntary National Retail Food Regulatory Program Standards (VNRFRPS), Standard 1 - Regulatory Foundation be amended as follows:

Many times policy makers such as state legislatures and others outside the retail food program make decisions that impact the ability of the retail food program to meet all of the interventions and risk factors. This proposes changing the evaluation component to eighty percent adopting a percentage standard similar to the Good Retail Practices and not requiring a full-adoption of all intervention and risk factors after the second self-assessment. For example, a legislature may choose to not ban barehand contact of ready-to-eat foods and all regulatory programs with the state automatically do not meet one of the of the 11 areas and after the second self-assessment would no-longer meet the Standard 1, because of an action completed un-related to the conduct of the regulatory program.

1. Amend Standard 1, Description of Requirement, lettered paragraph "A" as follows (language to be deleted is in strikethrough format; language to be added is underlined):

A. *Food Code* Interventions and Risk Factor Control Measures

The regulatory foundation contains provisions that are at least as stringent as the public health interventions and the provisions that control risk factors known to contribute to foodborne illness contained in the current published edition of the *Food Code* or one of the two most recent previous editions of the *Food Code*. Jurisdictions that meet Standard 1 but who may become noncompliant due to the release of a new edition of the *Food Code* are considered to continue meeting the Standard for a period of two years from the release date of the new *Food Code* edition in order to complete the process of updating its regulations.

To meet this element of the Standard, regulations must have a corresponding requirement for the *Food Code* sections as listed and summarized in the *Standard 1: Self-Assessment Worksheet for Part I*, from #1 "Demonstration of Knowledge" through #11 "Highly Susceptible Populations." ~~For initial listing, the~~ The regulatory foundation must ~~contain~~ include at least ~~80%~~ 9 of the 11 interventions and risk factor controls. ~~In order to meet fully the requirements of the Standard, the regulatory foundation must meet all 11 of the interventions and risk factor controls by the third audit.~~

1. Amend Standard 1 Instructions and Worksheet for Conducting a Self-Assessment as follows., Step 3, as follows (language to be deleted is in strikethrough format; language to be added is underlined):

STEP 3 - Document the Self-Assessment Results for Part I

A summary table is provided in Part I of the *Standard 1: Self-Assessment Worksheet* to document the results of the self-assessment for each of the 11 public health intervention and risk factor control measures. For ~~80~~ each public health intervention and risk factor control measure, the self-assessor must record the findings from the self-assessment. If each *Food Code* section listed under an Intervention/ Risk Factor has a check in the "Full Intent is Met" column, the Standard criteria is met. Place an "X" in the Self-Assessment Results "YES" column.

If any of the *Food Code* sections are missing, or the jurisdiction's regulatory requirements only partially meet the intent of the language, place an "X" in the Self-Assessment Results "NO"

column for that intervention/risk factor control measure.

At the bottom of Part I of the *Standard 1: Self-Assessment Worksheet*, the self-assessor must record the jurisdiction's name and the number of interventions/risk factors that are

~~met. For initial participation and listing purposes, the jurisdiction's self-assessment must indicate conformance with at least 9 of the 14 80% of the intervention/risk factor categories. By the third verification audit, the jurisdiction must meet 11 of the 11 intervention/risk factor control categories in order to meet the Standard 1 criteria.~~

Examples of documents that may be reviewed:

Ø The jurisdiction's statute, regulation, rule, ordinance or other prevailing set of regulatory requirements that govern the operation of its food establishments

Ø Version of the *Food Code* that was used for the self-assessment

Ø Completed *Standard 1: Self-Assessment Worksheet, Part I - Food Code Interventions and Risk Factor Controls*

Ø If applicable, documents discussing or comparing code provisions excepted if adoption was made by reference with exceptions.

1. Amend Standard 1 Instructions and Worksheet for Conducting a Verification Audit as follows Step 4, as follows (language to be deleted is in strikethrough format; language to be added is underlined):

STEP 4 - Document the Verification Audit Results for Part I

Part I of the *Standard 1: Self-Assessment Worksheet*, included at the end of these instructions, contains 11 public health interventions and risk factor controls:

1. Demonstration of Knowledge
2. Employee Health
3. Consumer Advisory
4. Approved Source
5. Time/Temperature
6. Protection from Contamination
7. Control of Hands as a Vehicle of Contamination
8. Good Hygienic Practices
9. Chemical
10. Conformance with Approved Procedures
11. Highly Susceptible Population

To meet any one of the 11 public health intervention and risk factor controls identified under the self-assessment process, the self-assessment must indicate that the jurisdiction's regulatory requirements address all *Food Code* sections listed for that area. ~~For initial listing, the jurisdiction's regulatory foundation must contain~~ include at least 9 of the 11 80% of public health interventions and risk factor controls. ~~In order to fully meet the requirement of the Standard, the regulatory foundation must meet all 11 of the interventions and risk factor controls by the third verification audit cycle.~~

If four or more of the 15 selected code sections reviewed during the audit process do not meet the stringency of language criteria, the Standard 1, Part I element fails to meet the criteria, and no further sampling is necessary. If one, two or three of the 15 selected code sections do not meet the stringency of the language criteria but the jurisdiction continues to meet the required number of interventions and risk factor controls to meet the Standard, then randomly select an additional 15 *Food Code* sections. No more than three total disagreements are acceptable in the thirty (30) Code sections drawn for comparison in

order for the audit to confirm the Part I element of Standard 1 as met. In addition, at least 9 out of the 11 (80%) interventions and risk factor controls must still be met at the end of the first audit after the disagreements are taken into account, ~~and the jurisdiction must meet 11 out of the 11 interventions and risk factor controls by the third regular audit in order to meet the Standard 1 criteria.~~

Examples of documents that may be reviewed:

ØThe jurisdiction's statute, regulation, rule, ordinance or other prevailing set of regulatory requirements that govern the operation of its food establishments

ØVersion of the *FDA Food Code* that was used for the self-assessment Ø? Completed *Standard 1: Self-Assessment Worksheet, Part I - Food Code Interventions and Risk Factor Controls*

ØIf applicable, documents discussing or comparing code provisions excepted if adoption was made by reference with exceptions.

d) Amend any forms and instructions as needed to conform with the above changes.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-032

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: 2018-II-016; the recommended solution has been revised.

Title:

Amend VNRFRPS Standard 6, Compliance and Enforcement

Issue you would like the Conference to consider:

Allow jurisdictions to assess the effectiveness of their compliance and enforcement program using an alternative sampling method that provides the same level of statistical confidence as the prescribed method in VNRFRPS Standard 6.

Public Health Significance:

The VNRFRPS offers a systematic approach through a continuous improvement process, to enhance retail food regulatory programs. The primary role of the CFP Program Standards Committee is to indirectly assist enrolled jurisdictions in making progress towards meeting the VNRFRPS Standards. The Committee has identified that this alternative proposal will assist agencies that are dually enrolled in both the VNRFRPS and the Manufactured Food Regulatory Program Standards (MFRPS) to maintain conformance while protecting public health.

Recommended Solution: The Conference recommends...:

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that the Voluntary National Retail Food Regulatory Program Standards (VNRFRPS), Standard 6 - Compliance and Enforcement be amended as follows:

1. Allow jurisdictions to assess the effectiveness of their compliance and enforcement program using an alternative sampling method that provides the same level of statistical confidence as the prescribed method in VNRFRPS Standard 6.

a) Amend Standard 6, Documentation, by adding additional options #5 and #6 (language to be added is underlined):

5. If necessary, a copy of the jurisdiction's established written procedures used to measure the effectiveness of the compliance and enforcement program

6. If necessary, statistical confidence level documentation from a statistician

b) Amend Standard 6 Instructions and Worksheet for Conducting a Self-Assessment, Step 2, as follows (language to be deleted is in strikethrough format; language to be added is underlined):

STEP 2 - Assess the Effectiveness of the Compliance & Enforcement Program

~~Randomly selected establishment files will be reviewed to determine if documented violations were resolved satisfactorily in the establishment. The results of the review will be used to assess the success of the compliance and enforcement program. This section of the self-assessment process has been broken down into the following four parts:-~~

Each jurisdiction shall measure the effectiveness of their compliance and enforcement program by either reviewing each inspection when a FBI Risk Factor or Public Health intervention was marked out of compliance or by using a statistical method to determine if the jurisdiction has satisfactorily resolved FBI Risk Factor and Public Health Intervention violations. The jurisdiction shall establish written procedures that:

- Describe the compliance and enforcement review process;
- Include a review of the routine inspections that have at least one Foodborne Illness or Public Health Intervention Violation marked OUT of compliance. The number of inspections reviewed and method of selection must provide a statistical confidence level equal to or greater than the published Standard 6 statistical model; and
- Include supporting documentation and worksheets. If a jurisdiction does not wish to establish independent written procedures, the jurisdiction may use the method set forth in Parts I-IV

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 II-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:

Refer Standard 5 to Program Standards Committee for Review and Updating

Issue you would like the Conference to consider:

Recommended Solution: The Conference recommends...:

that the Program Standards Committee, a CFP standing committee, be charged with the following during the 2020-2021 biennium:

1. Conduct a thorough review of Standard 5 "Foodborne Illness and Food Defense Preparedness and Response of the FDA Voluntary National Retail Food Regulatory Program Standards (VNRFRPS);
2. The review should include comparing the Standard to other similar FDA standards in food;
3. Review the "Description of Requirements" to ensure the requirements provide program flexibility and include items generally part of a retail food program;
4. Review Standard 5 "Data Review and Analysis" from a sampling of jurisdictions to determine if certain data analysis requirements typically have no or such limited data to make the information not valuable;
5. Review the Center for Disease Control and Prevention's National Environmental Assessment Reporting System (NEARS) to consider inclusion of specific components.
6. Propose amendments to Standard 5 of the VNRFRPS;
7. Report back committee findings and recommendations to the 2022 Biennial Meeting.

Public Health Significance:

Standard 5 on Foodborne Illness and Food Defense Preparedness should be completely reviewing to ensure the most current and important items related to illnesses investigation are included. Further, the review should ensure that data analysis requirements are possible and provide meaningful data for jurisdictions.

Recommended Solution: The Conference recommends...:

Recommended Solution: The Conference recommends...:

that the Program Standards Committee, a CFP standing committee, be charged with the following during the 2020-2021 biennium:

1. Conduct a thorough review of Standard 5 "Foodborne Illness and Food Defense Preparedness and Response of the FDA Voluntary National Retail Food Regulatory Program Standards (VNRFRPS);
2. The review should include comparing the Standard to other similar FDA standards in food;
3. Review the "Description of Requirements" to ensure the requirements provide program flexibility and include items generally part of a retail food program;
4. Review Standard 5 "Data Review and Analysis" from a sampling of jurisdictions to determine if certain data analysis requirements typically have no or such limited data to make the information not valuable;
5. Review the Center for Disease Control and Prevention's National Environmental Assessment Reporting System (NEARS) to consider inclusion of specific components.
6. Propose amendments to Standard 5 of the VNRFRPS;
7. Report back committee findings and recommendations to the 2022 Biennial Meeting.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

SHC-RPC - 1 Report - Safe Handling and Cooking of Roaster Pigs Committee

Issue you would like the Conference to consider:

At the 2018 Biennial Meeting of the Conference for Food Protection, the Safe Handling and Cooking of Roaster Pigs Committee was created and charged (Issue: 2018-III-023) with:

1. Identifying best practices, or any existing guidance documents, that relate to proper handling and storage of roaster pigs of various sizes.
2. Developing a comprehensive guidance document for food handlers, particularly caterers, that include detailed best practices for roaster pig preparation. These recommendations would include proper handling, thawing, cooking, and temperature measurement of roaster pigs.
3. Determining appropriate methods of sharing the committee's work.
4. Reporting the committee's findings and recommendations to the 2020 Biennial Meeting of the Conference for Food Protection.

Public Health Significance:

The 2017 Food Code (§3-401.11(A)(2)) recommends cooking non-intact pork products to 155°F for 17 seconds with additional options at lower temperatures for longer lengths of time. For stuffed pork products, the Food Code (§3-401.11(A)(3)) recommends that the product reach a temperature of 165°F. However, due to the unique nature of the product, *Salmonella* outbreaks associated with roaster pigs continue to occur and show no indication of decline.

Inadequate handling and cooking of roaster pigs is a reoccurring food safety hazard that is becoming more prevalent in recent years. In the past three years, at least four *Salmonella* outbreaks have been associated with roaster pigs at special events^{1,2,3}. One of the outbreaks in 2015^{1,4} infected 192 patients across 5 states. Investigation findings indicated inappropriate methods for cold storage prior to cooking that could lead to an outgrowth of bacteria that may not all be destroyed during the cooking process.

Cooking an entire animal has additional challenges not addressed by the currently available cooking guidelines. Current guidance^{5,6,7,8} is not comprehensive for addressing the unique challenges of cooking a whole animal (large size, variation in bone and fat distribution which create temperate variances across the entire large animal, control of humidity during the cooking process, cross contamination of clothes when moving the animal to the cooking location, appropriate methods for thawing of a large animal, appropriate methods for maintaining cold temperatures prior to cooking). Inadequate cooking may occur because the whole animal is being cooked (instead of the parts). When cooking parts, it is much easier to control the temperature and humidity of the oven and subsequently ensure even cooking of the food. However, when cooking a whole animal, it is challenging to control the temperature and humidity, especially when cooked in an open pit or grill. Each part may heat up differently depending on the muscle type, thickness, and proximity to the bone⁸. By the time the stuffing in the center of the pig reaches the appropriate temperature, the outer layers of the pig may be scorched, dried out, and unpalatable. Guidance could include methods to increase the humidity. Adding humidity to the cooking process prevents the surface from drying out, facilitates cooking, prevents heat resistance in the pathogens, and improves palatability. The guidance would also provide methods to ensure all parts of the pig are cooked thoroughly, where to place the thermometer, factors that could influence temperature (e.g., near joints, thickness of product), and at what depth. If the pig is stuffed with additional meat, the stuffing could remain cooler than the rest of the pig (FoodSafety.gov, Food Poisoning Bulletin). Providing this guidance will give retailers additional information to achieve the time and temperature recommendations in the Food Code.

Cross contamination, although not specifically mentioned in the outbreak reports, could also be a factor leading to illnesses. While cross contamination could be associated with any product, roaster pigs present a unique situation due to the size of the product. For example, caterers may clean or change utensils after cooking the product, however, they may not consider changing the clothes they are wearing as they carry the pig to the roasting location. Such findings are likely applicable to other retail food establishments that produce roaster pigs.

The committee developed a guidance document on safe handling and cooking of roaster pigs that would provide a valuable resource for those caterers that infrequently prepare roaster pigs so they are aware of lessons learned from past outbreaks as well as best practices used throughout the industry. This guidance document provides best practices for properly thawing or maintaining at appropriate temperatures prior to cooking, cooking, and measuring the temperature of the product. It also includes information on avoiding cross contamination of the product. By following the information in the guideline, retailers can ensure that the roaster pigs are thoroughly cooked, thereby, decreasing the likelihood of foodborne illness to consumers.

References

1. FSIS 2015 Public Health Alert:
<https://www.fsis.usda.gov/wps/portal/fsis/newsroom/news-releases-statements-transcripts/news-release-archives-by-year/archive/2015/pha-073115>
2. FSIS 2016 Public Health Alert:
<https://www.fsis.usda.gov/wps/portal/fsis/newsroom/news-releases-statements-transcripts/news-release-archives-by-year/archive/2016/pha-072016>

3. FSIS 2017 Public Health Alert:
<https://www.fsis.usda.gov/wps/portal/fsis/topics/recalls-and-public-health-alerts/foodborne-illness-investigations/outbreaks-salmonella-pork-products-2015-2016>
4. CDC 2015 Recall and Alert: <https://www.cdc.gov/salmonella/pork-08-15/recall-advice.html>
5. Foodsafety.gov, Pig Roasting and Food Safety: PDF provided as part of Articles Reviewed
6. Food Safety Tech Sheet, Washington State Department of Health:
<https://www.doh.wa.gov/Portals/1/Documents/Pubs/332-165.pdf>
7. Food Poisoning Bulletin, Pig Roasting and Food Safety:
<https://foodpoisoningbulletin.com/2016/pig-roasting-and-food-safety/>
8. How to Roast a Pig: <http://www.esquire.com/food-drink/food/a29391/how-to-roast-a-pig/>

Recommended Solution: The Conference recommends...:

The Conference recommends....

1. Acknowledgment of the 2018-2020 Safe Handling and Cooking of Roaster Pigs Committee report;
2. Thanking the members of the Committee for their work; and
3. That the Committee be disbanded; all charges have been completed.

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Content Documents:

- "Committee Report"
- "Committee Roster"
- "Committee Guidance Document"

Supporting Attachments:

- "Committee Meeting Minutes"
- "Articles Reviewed"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

SHC-RPC - 2 Approval of Guidance Document for Roaster Pig Cooking

Issue you would like the Conference to consider:

At the 2018 biennial meeting, Issue # 2018 III-023 charged the Safe Handling and Cooking of Roaster Pigs Committee with: "Developing a comprehensive guidance document for food handlers, particularly caterers, that include detailed best practices for roaster pig preparation. These recommendations would include proper handling, thawing, cooking, and temperature measurement of roaster pigs."

In addition, Issue # 2018 III-023 charged the Safe Handling and Cooking of Roaster Pigs Committee with: " Determining appropriate methods of sharing the committee's work."

The committee requests the Conference to consider approving the Safe Handling and Cooking of Roaster Pigs Committee's guidance document entitled "*Whole Roaster Pigs: Guidance for the Safe Handling and Cooking.*" The committee would also like the Conference to include the guidance document on the CFP website in a downloadable PDF format with functional hyperlinks.

Public Health Significance:

This guidance document provides practical recommendations for the safe handling, preparation, and cooking of roaster pigs. It contains a synopsis on lessons learned from previous outbreaks and a discussion on common handling and cooking practices of roaster pigs. This discussion describes the food safety risks associated with certain practices and practical recommendations to mitigate the food safety risks.

Recommended Solution: The Conference recommends...:

The Conference recommends....

1. Approval of the committee document entitled "*Whole Roaster Pigs: Guidance for the Safe Handling and Cooking*" (attached to Issue titled: Report - Safe Handling and Cooking of Roaster Pigs Committee);

2. Authorizing the Conference to make any necessary edits prior to posting the document to assure consistency of format and non-technical content; edits will not affect the technical content of the document; and
3. Posting the guidance document on the CFP website in a downloadable PDF format with functional hyperlinks.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

SHC-RPC - 3 Sharing of Guidance Document for Roaster Pig Cooking

Issue you would like the Conference to consider:

At the 2018 biennial meeting, Issue # 2018 III-023 charged the Safe Handling and Cooking of Roaster Pigs Committee with "Determining appropriate methods of sharing the committee's work." The Committee would like the Conference to request various organizations to make this document available to their respective constituents. The Committee would also like the Conference to develop a press release for major networks and develop an article for the Food Safety News announcing the availability of this document and its intended purpose.

Public Health Significance:

This guidance document provides practical recommendations for the safe handling, preparation, and cooking of roaster pigs. It contains a synopsis on lessons learned from previous outbreaks and a discussion on common handling and cooking practices of roaster pigs. This discussion describes the food safety risks associated with certain practices and practical recommendations to mitigate the food safety risks.

Recommended Solution: The Conference recommends...:

The Conference recommends...

1. A letter be sent to the Food and Drug Administration (FDA) requesting:

that the most recent edition of the Food Code (Annex 2, Part 3 - Supporting Documents) be amended to include a reference to the CFP document titled "*Whole Roaster Pigs: Guidance for the Safe Handling and Cooking*" with phrasing similar to:

Roaster pigs present unique challenges for handling and cooking due to their variable, and sometimes, large size. Improper handling and inadequate cooking of roaster pigs has contributed to several outbreaks. This guidance document provides practical recommendations for the safe handling, preparation, and cooking of roaster pigs. It

contains a synopsis on lessons learned from previous outbreaks and a discussion on common handling and cooking practices of roaster pigs. This discussion describes the food safety risks associated with certain practices and practical recommendations to mitigate the food safety risks; and

2. That the document be shared through their partnership meetings with stores, restaurants, and institutions;

A. A letter be sent to the following organizations requesting that they inform their respective constituents of the document and make the document readily available to their constituents:

1. Association of Food and Drug Officials (AFDO),
2. National Environmental Health Association (NEHA),
3. International Association for Food Protection (IAFP),
4. North American Meat Institute (NAMI),
5. Association of American Meat Producers (AAMP),
6. National Pork Board,
7. National Restaurant Association and the National Registry for Food Safety Professionals (NRFSP),
8. Food Safety and Inspection Service (FSIS),
9. Centers for Disease Control and Prevention's (CDC) Integrated Food Safety Centers of Excellence, and
10. ServSafe;

B. A letter be sent to the States to make the document available on their applicable websites, such as the Food Protection Taskforce, and

3. The Conference develops a press release to the major networks announcing the availability of the document;

4. The Conference prepares an article for the Food Safety News regarding the availability of the document and its purpose.

Note: Draft CPF guidance document is attached to Issue titled: Report - Safe Handling and Cooking of Roaster Pigs Committee (SHCRPC); approval of the document is requested in Issue titled: SHCRPC - Approval of Guidance Document the Safe Handling and Cooking of Roaster Pigs

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Report of the Direct to Consumer Delivery Committee (DTCDC)

Issue you would like the Conference to consider:

The Direct to Consumer Delivery Committee requests acknowledgement of their final report and that the Conference thank the committee members for their efforts and hard work.

Public Health Significance:

This guidance document provides food safety best practices for managing or performing direct to consumer (DTC) or third-party delivery (TPD) services. This document includes parameters critical to preventive controls, mechanisms to assess risk, validation and verification practices, recommendations for proper packaging, temperature control, receiving and storage, physical and chemical contamination control, allergen control, general food safety information, and suggestion for return of compromised and abused products. The intent of the guide is primarily to provide best practices for preventing biological, physical and chemical contamination as well as the growth of harmful bacteria and/or the formation of toxins within the food being transported.

Recommended Solution: The Conference recommends...:

The Committee recommends that the Conference:

1. Acknowledge the committee final report.
2. Thank the voting members, at large non-voting members, federal consultants and observers for their tireless service.
3. Disband the committee.

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Content Documents:

- "Direct to Consumer Delivery Committee final report"
- "Committee Member Roster"
- "Guidance Document for DtC and TPD Service Food Delivery"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

DTCDC #2 Approve/Post Guidance Document - DTC and TPD service food delivery

Issue you would like the Conference to consider:

Acceptance of the Direct to Consumer Delivery Committee guidance document entitled "Guidance Document for Direct-to-Consumer and Third-Party Delivery Service Food Delivery" and inclusion of the guidance document on the CFP website in a downloadable PDF format.

Public Health Significance:

This guidance document provides food safety best practices for managing or performing direct to consumer (DTC) or third-party delivery (TPD) services. This document includes parameters critical to preventive controls, mechanisms to assess risk, validation and verification practices, recommendations for proper packaging, temperature control, receiving and storage, physical and chemical contamination control, allergen control, general food safety information, and suggestion for return of compromised and abused products. The intent of the guide is primarily to provide best practices for preventing biological, physical and chemical contamination as well as the growth of harmful bacteria and/or the formation of toxins within the food being transported.

At the 2018 biennial meeting Issue # 2018-III-006 charged the Direct to Consumer Delivery Committee to "Revise the Guidance Document for Mail Order Food Companies that includes recommended practices for transportation directly to a consumer 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. Current guidance document to be revised to include food safety training for the TPDS entities, and information on all food delivery practices from food production, distribution, or retail food service facilities."

Issue # 2018-III-006 also charged the committee to "Determine 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."

Recommended Solution: The Conference recommends...:

The Conference recommends:

1. Acceptance of the committee generated draft guidance document entitled "Guidance Document for Direct-to-Consumer and Third-Party Delivery Service Food Delivery". (See *document attached to Issue titled: Report of the Direct to Consumer Delivery Committee*)
2. Posting the guidance document on the CFP website in a down-loadable PDF format; and
3. Authorizing the Conference to make any necessary edits prior to posting the document to assure consistency of format and non-technical content; edits will not affect the technical content of the document.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

DTCDC #3 Request Food Code Annex be amended to include guidance document

Issue you would like the Conference to consider:

Inclusion of a reference to the committee generated "Guidance Document for Direct-to-Consumer and Third-Party Delivery Service Food Delivery" in the FDA Food Code Annex.

Public Health Significance:

This guidance document provides food safety best practices for managing or performing direct to consumer (DTC) or third-party delivery (TPD) services.

Issue # 2018-III-006 also charged the committee to "Determine 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.

Recommended Solution: The Conference recommends...:

The Conference recommends a letter be sent to FDA requesting that the most recent edition of the Food Code be amended to include a reference to the "Guidance Document for Direct-to-Consumer and Third-Party Delivery Service Food Delivery" as follows:

Annex 2-References, Part 3-Supporting Documents

W. Guidance Document for Direct-to-Consumer and Third-Party Delivery Service Food Delivery, 2019

Companies that engage in direct-to-consumer and third-party delivery service food delivery have increased in recent years. In 2018 the Conference for Food Protection recommended formation of a committee to revise the existing guidance for direct-to-consumer (mail order) food companies to include guidance for companies engaging in third-party delivery serviced for food delivery. This guidance document provides food safety best practices for managing or performing Direct to Consumer (DTC) or third-party delivery (TPD) services.

Note: The guidance document referenced is attached to Issue titled: Report of the Direct to Consumer Delivery Committee.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 III-007

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:

PWWC - Issue 1: Report of Produce Wash Water Committee (PWWC)

Issue you would like the Conference to consider:

The Produce Wash Water Committee was re-created at the 2018 Biennial Meeting. The Committee was charged to develop a Produce Washing and Crisping Guidance Document for Retail Food Establishments. This Committee completed the charges assigned. Since the charges assigned at the 2018 Biennial meeting have been fulfilled, the Committee is requesting for the Conference for Food Protection to disband the Produce Wash Water Committee. Additionally, the Produce Wash Water Committee requests acknowledgement of their Final Report and thanking the committee members for their hard work.

Public Health Significance:

Whole or fresh-cut produce may contain pathogenic microorganisms and at times have been associated with foodborne illness and outbreaks. Efforts have been undertaken by the produce industry and regulators (e.g., FSMA and the Produce Safety Rule) to minimize the risk of contamination of fresh produce. However, without a "kill step" a potential risk remains. In the event that contaminated product is received into a food establishment, washing and crisping practices introduce an additional risk. In food establishments, produce is washed before being cut, etc. as per the recommendation of the 2017 FDA Food Code, but it should be noted that washing has a limited effect on removing pathogens from the produce surface. When produce items are submerged in water the chance for cross-contamination presents a public health risk. Further, the practice of crisping could introduce an additional risk since contaminated water may internalize pathogens during the crisping process. When other procedures such as washing/sanitizing the sink before use are not followed, food contact surfaces can also contribute to cross-contamination. Taken together, these practices demonstrate the need to consider additional or alternative efforts to reduce the risks associated with fresh produce handling practices at food establishments

Recommended Solution: The Conference recommends...:

- a. Acknowledgement of PWWC Report and Roster
- b. Thank you and acknowledgement of Committee Members and their work
- c. Disbanding of the Committee.

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Content Documents:

- "Committee Final Report"
- "Committee Member Roster"
- ""Guide for Washing and Crisping Whole Raw Fruits and Vegetables at Food"

Supporting Attachments:

- "Meeting notes"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 III-008

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:

PWWC - Issue 2: Approval and Posting of Guidance Document.

Issue you would like the Conference to consider:

The Produce Wash Water Committee was re-created at the 2018 Biennial Meeting. The Committee was charged to develop a Produce Washing and Crisping Guidance Document for Retail Food Establishments. This Committee completed the charges assigned. The Committee is requesting for the Conference for Food Protection to post the created "Guide for Washing and Crisping Whole, Raw Fruits and Vegetables at Retail Food Establishments" guidance document on their website.

Public Health Significance:

Whole or fresh-cut produce may contain pathogenic microorganisms and at times have been associated with foodborne illness and outbreaks. Efforts have been undertaken by the produce industry and regulators (e.g., FSMA and the Produce Safety Rule) to minimize the risk of contamination of fresh produce. However, without a "kill step" a potential risk remains. In the event that contaminated product is received into a food establishment, washing and crisping practices introduce an additional risk. In food establishments, produce is washed before being cut, etc. as per the recommendation of the 2017 FDA Food Code, but it should be noted that washing has a limited effect on removing pathogens from the produce surface. When produce items are submerged in water the chance for cross-contamination presents a public health risk. Further, the practice of crisping could introduce an additional risk since contaminated water may internalize pathogens during the crisping process. When other procedures such as washing/sanitizing the sink before use are not followed, food contact surfaces can also contribute to cross-contamination. Taken together, these practices demonstrate the need to consider additional or alternative efforts to reduce the risks associated with fresh produce handling practices at food establishments.

Recommended Solution: The Conference recommends...:

1. Approval of the committee document entitled "*Guide for Washing and Crisping Whole, Raw Fruits and Vegetables at Retail Food Establishments*" (attached to Issue titled: PWWC - Issue 1 Report of Produce Wash Water Committee);
2. Authorizing the Conference to make any necessary edits prior to posting the document to assure consistency of format and non-technical content; edits will not affect the technical content of the document; and
3. Posting the guidance document on the CFP website in a downloadable PDF format.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 III-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:

PWWC- Issue 3: Amend Food Code to include Produce Wash Testing Devices

Issue you would like the Conference to consider:

Inclusion of a new section: "4-302.15 Fruit and Vegetable Wash Solutions, Testing Devices" into the next edition of the FDA Food Code which would require establishments who utilize chemicals to wash fruits and vegetables to have a test kit for such chemicals available for use in the establishment.

Public Health Significance:

2017 FDA Food Code section 3-302.15 (B) states, "Fruits and vegetables may be washed by using chemicals as specified under § 7-204.12." In the 2017 FDA Food Code Annex 3, 3-302.15, it explains that, "Toxic or undesirable residues could be present in or on the food if chemicals used for washing purposes are unapproved or applied in excessive concentrations. Unless otherwise stipulated in 21 CFR 173.315, chemicals used to wash or peel fruits and vegetables should not exceed the minimum amount required to accomplish the intended effect, need to be accurately tested for proper concentration, and must adhere to any indications as dictated on the product label."

Currently there is no FDA Food Code requirement to test or verify the concentration of chemicals used to wash fruits and vegetables when listed on the product label. Chemical produce washes which specify concentrations or ranges have been thoroughly reviewed and vetted by FDA and EPA for safety and efficacy. Concentrations exceeding or used at lower concentrations than listed on the product label, would not be appropriate for the intended use of the product. For EPA registered products, lower concentrations may not provide the desired and claimed product efficacy. Produce wash concentration verification is therefore necessary and recommended to prevent usage outside labeled use limits.

In order to assist both users of the chemical and regulators who want to verify proper use of the chemical as per label instructions, a method to verify concentrations for antimicrobial products used for fruit and vegetable washing should be available.

Recommended Solution: The Conference recommends...:

Amend the 2017 Food Code by adding a new section: "4-302.15 Fruit and Vegetable Wash Solutions, Testing Devices" as follows:

4-302.15 Fruit and Vegetable Wash Solutions, Testing Devices.

A test kit or other device that accurately measures the concentration of fruit and vegetable wash solution shall be provided if specified on the product label. ^{Pf}

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 III-010

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:

Report–Product Assessment Committee (PAC)

Issue you would like the Conference to consider:

The Product Assessment Committee requests acknowledgement of their final report and thanking the committee members for their efforts and hard work.

Public Health Significance:

Retail food establishments often want to hold foods that meet the definition of time/temperature control for safety (TCS) food outside of time and temperature parameters within the FDA Food Code. In order to do this, food establishments must do a product assessment or challenge study using the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) protocol. This protocol can be difficult for both operators and regulators to understand. This committee's final report contains a guidance document to help operators and regulators understand retail food establishment challenge studies which in turn will increase compliance with FDA Food Code and help to ease the burden for operators and regulators.

Recommended Solution: The Conference recommends...:

The Conference recommends....

1. Acknowledgement of 2018-2020 Product Assessment Committee Report;
2. Thank committee members for their work;
3. Committee be disbanded.

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Content Documents:

- "Committee Final Report"
- "Committee Roster"
- "Committee Generated Guidance Document"
- "Checklist for Retail Establishment Challenge Study"
- "Worksheet to Determine Microbiological Stability of Food"

Supporting Attachments:

- "PAC Meeting Minutes"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 III-011

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:

PAC 2–Approval of guidance, “Using NACMCF Parameters for Retail Food...”

Issue you would like the Conference to consider:

Acceptance of the Product Assessment Committee's guidance document entitled "Using NACMCF Parameters for Food Service" and inclusion of the guidance document CFP website in PDF format

Public Health Significance:

In order to meet the charges given to the Product Assessment Committee, a guidance document was developed to help provide clarification on the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) Challenge Study Protocols as it relates to retail food service establishments. Using the NACMCF protocol can be difficult for both operators and regulators to understand. This leads to challenges for regulatory authorities, to provide approval for challenge studies, and retail food establishments, to know how to move forward with completing a challenge study. Providing guidance for retail food establishment challenge studies will increase compliance with FDA Food Code and help to ease the burden for operators and regulators.

Recommended Solution: The Conference recommends...:

The Conference recommends...

1. Acceptance of the committee generated guidance document entitled "Using NACMCF Parameters for Challenge Study Protocols for Retail Food Operators and Regulators" (attached as a content document to Issue titled: Report - Product Assessment Committee); and
2. Authorizing the Conference to make any necessary edits prior to posting the document on the CFP web site to assure consistency of format and non-technical content; edits will not affect the technical content of the document; and
3. Posting the final document on the CFP website in PDF format

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

PAC 3–Approval of Checklist for Retail Establishment Challenge Study

Issue you would like the Conference to consider:

Acceptance of the Product Assessment Committee's checklist entitled "Checklist for Retail Establishment Challenge Study" and inclusion of the checklist on the CFP website in a down-loadable PDF format.

Public Health Significance:

Using the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) protocol can be difficult for both operators and regulators to understand. This leads to challenges for regulatory authorities, to provide approval for challenge studies, and retail food establishments, to know how to move forward with completing a challenge study. Providing this checklist of appropriate criteria for operators and regulators to consider when reviewing a challenge study, and directions for using it, will help to ease the burden for operators and regulators.

Recommended Solution: The Conference recommends...:

The Conference recommends....

1. Acceptance of the Checklist for Retail Establishment Challenge Study (attached as a content document to Issue titled: Report - Product Assessment Committee).
2. Authorizing the Conference to make any necessary edits prior to posting the document on the CFP web site to assure consistency of format and non-technical content; edits will not affect the technical content of the document.
3. Posting the final document on the CFP website in PDF and editable Word format

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

PAC 4– Approve Challenge Testing Worksheet

Issue you would like the Conference to consider:

Acceptance of the "*Challenge Testing Worksheet to Determine Microbiological Stability of Formulation*" and; inclusion of the worksheet in editable Word and PDF format.

Public Health Significance:

Using the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) protocol can be difficult for both operators and regulators to understand. This leads to challenges for regulatory authorities, to provide approval for challenge studies, and retail food establishments, to know how to move forward with completing a challenge study. Providing tools for retail food establishment challenge studies will increase compliance with FDA Food Code and help to ease the burden for operators and regulators. This worksheet was created by the committee to help provide clarification on the NACMCF Challenge Study Protocols as it relates to retail food service establishments.

Recommended Solution: The Conference recommends...:

The Conference recommends....

1. Approval of the ***Challenge Testing Worksheet to Determine Microbiological Stability of Formulation*** (attached as a content document to Issue titled: Report - Product Assessment Committee).
2. Authorizing the Conference to make any necessary edits prior to posting the document on the CFP web site to assure consistency of format and non-technical content; edits will not affect the technical content of the document.
3. Posting the final document on the CFP website in PDF and editable Word format

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

PAC 5–Amend Food Code Reference Approved Documents in FDA Food Code Annex 3

Issue you would like the Conference to consider:

Inclusion of the committee generated guidance document entitled, "Using NACMCF Parameters for Challenge Study Protocols for Retail Food Operators and Regulators", the "Checklist for Retail Establishment Challenge Study", and the "Challenge Testing Worksheet to Determine Microbiological Stability of Formulation" in the FDA Model Food Code Annex 3.

Public Health Significance:

Using the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) protocol can be difficult for both operators and regulators to understand. This leads to challenges for regulatory authorities, to provide approval for challenge studies, and retail food establishments, to know how to move forward with completing a challenge study. Providing tools for retail food establishment challenge studies will increase compliance with FDA Food Code and help to ease the burden for operators and regulators. Three documents were created by the Product Assessment Committee. Inclusion these documents in Annex 3 of the FDA Food Code will assist retail food establishment operators and regulators in accessing this information.

Recommended Solution: The Conference recommends...:

The Conference recommends....

A letter be sent to FDA requesting that the most recent edition of the Food Code be amended to include a reference to all of the approved documents/tools from the Product Assessment Committee at the end of the section as follows:

1-201.10 Statement of Application and Listing of Terms.

(B) Terms Defined

Time/Temperature Control for Safety Food

When a "Product Assessment" is indicated in the chart, a challenge study may be done to determine the shelf life of the product, or the time a product can be maintained at room temperature. Documents have been developed through the Conference for Food Protection (CFP) Product Assessment Committee to assist operators and regulators with the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) Parameters for Determining Inoculated Pack/Challenge Study Protocols. These documents include Guidance Document on Using NACMCF Parameters for Challenge Study Protocols for Retail Food Operators and Regulators, Checklist for Retail Establishment Challenge Study, and Challenge Testing Worksheet to Determine Microbiological Stability of Formulation. These documents can be found on the CFP website.

Note: All documents are attached to "Report - Product Assessment Committee (PAC)" and submitted for CFP approval and posting in Issues "PAC 2-4".

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Committee to Update CFP Guidance on Beef Ground at Retail

Issue you would like the Conference to consider:

This Issue proposes creating a committee to update the "Guidance Document for the Production of Raw Ground Beef at Various Types of Retail Food Establishments."¹ Outbreaks continue to be associated with beef ground at retail that was not intended for grinding (e.g., trim from intact steaks or roasts, and "pull backs"). In addition, FSIS surveillance has shown that 54%² of retailers have no records associated with beef grinding in violation of 9 CFR 320.1(b)(4).³ These records help facilitate traceback in outbreak investigations and may be used to recall potentially injurious products from commerce. CFP's current guidance does not address intended use or the new grinding records requirement. Updating the guidance document would help increase awareness of record-keeping requirements and promote the adoption of safe grinding practices to help prevent illness from raw beef ground at retail food establishments.

Public Health Significance:

Shiga toxin-producing *Escherichia coli* (STEC) is estimated to cause 265,000 illnesses in the US annually, including 3,600 hospitalizations and 30 deaths.⁴ Outbreaks continue to be associated with beef ground at retail that was not intended for grinding (e.g., trim from intact steaks or roasts, and "pull backs"). In many outbreak investigations, inadequate grinding records and insufficient sanitation between source lots at retail have hindered investigators' ability to determine the ultimate source of the implicated beef.

CFP developed the "Guidance Document for the Production of Raw Ground Beef at Various Types of Retail Food Establishments"¹ (2012 I-014) to share best practices for grinding beef, including a record keeping template. In 2015, FSIS issued the "Records to be Kept by Official Establishments and Retail Stores that Grind Raw Beef Products" rule.⁵ The rule requires grinders to maintain records on supplier names, establishment numbers, lot numbers, and production dates of the raw beef components used to make ground beef products (9 CFR 320.1(b)(4)³). Since CFP published the guidance and FSIS finalized the

grinding records requirement, there have been three outbreaks associated with food establishments grinding beef that was not intended for non-intact use.

As presented at the CFP Pre-meeting Workshop in 2018,⁶ federally inspected meat processing plants that produce beef, identify the products' "intended use." Two common intended uses are: "intact" such as steak and roasts, or "non-intact" such as ground or mechanically tenderized beef.^{7,8} Intact steaks may be considered a ready-to-eat food by searing without being fully cooked because contamination with pathogenic bacteria would only occur on the surface of the product (Food Code (§3- 401.11(C)(3)).⁹ However, grinding causes STEC to move to the interior of the beef, which may increase risk of foodborne illness if consumed undercooked (e.g., rare or medium rare). For this reason, meat processing plants implement more stringent process controls for beef intended for non-intact use.⁸

Per FSIS routine ground beef sampling¹⁰, 83% (248/298) of retail food establishments reported grinding individually vacuum packaged whole muscle beef (a product intended for intact use). Retail food establishments can reduce risk of STEC when grinding raw beef by: (1) applying antimicrobial intervention to the beef intended for intact use before grinding, or (2) purchasing beef intended for non-intact use.^{6,8} However, of the 248 retail food establishments who ground vacuum packaged beef, only 21 (8%) implemented additional food safety steps to eliminate STEC before grinding.¹⁰

The 2014 CFP guidance¹ does not include information on how the beef source material and its intended use affects food safety. Additionally, the CFP guidance document does not mention that retailers are required to keep grinding records since it was developed prior to the issuance of the Grinding Record Keeping Rule.

References (noted above with superscript numerals)

1. Guidance Document for the Production of Raw Ground Beef at Various Types of Retail Food Establishments. URL: <http://www.foodprotect.org/media/guide/CFP%20Beef%20Grinding%20Log%20Template%20Guidance%20Document%20-%208-8-2014.pdf>
2. USDA-FSIS Enforcement Records: October 1, 2016 - September 30, 2019
3. 9 CFR 320.1(b)(4) - URL: https://gov.ecfr.io/cgi-bin/text-idx?SID=64ec97c3205d4b15340b3577e35c22d5&mc=true&node=se9.2.320_11&rgn=div8
4. Scallan E, Hoekstra RM, Angulo FJ, Tauxe RV, Widdowson MA, Roy SL, et al. Foodborne illness acquired in the United States---major pathogens. *Emerg Infect Dis* 2011;
5. 80 FR 79231, Records to be Kept by Official Establishments and Retail Stores That Grind Raw Beef Products. URL: <https://www.fsis.usda.gov/wps/wcm/connect/6bb824d5-70ce-4c1d-8801-b18346fa595c/2009-0011F.pdf?MOD=AJPERES>
6. Sherri (Jenkins) Williams. *Intended Use of Non-Intact Products*. Pre-Meeting Workshop, Conference for Food Protection (CFP) 2018. Richmond, VA. (slides attached)

7. 2017 Food Code Section 1-201.10(B) Terms Defined "Intact Meat" and "Meat". URL: <https://www.fda.gov/media/110822/download>.
8. FSIS Compliance Guideline for Minimizing the Risk of Shiga Toxin-Producing *Escherichia coli* (STEC) in Raw Beef (including Veal) Processing Operations. URL: <https://www.fsis.usda.gov/wps/wcm/connect/c1217185-1841-4a29-9e7f-8da6dc26d92c/Compliance-Guideline-STEC-Beef-Processing.pdf?MOD=AJPERES>.
9. 2017 Food Code §3- 401.11(C)(3). URL: <https://www.fda.gov/media/110822/download>
10. FSIS Directive 8010.1 Methodology for Conducting In-Commerce Surveillance Activities. URL: <https://www.fsis.usda.gov/wps/wcm/connect/66a3ae47-3a55-426e-8bab-ea7b2175c9be/8010.1.pdf?MOD=AJPERES>

Recommended Solution: The Conference recommends...:

The Conference recommends that a Committee be convened of members from all constituencies in the CFP. The Committee will be charged with:

1. Reviewing the available guidance and recommend changes to update and address continuing issues, such as:
 1. Low compliance with grinding records requirements,
 2. Grinding beef intended for intact use,
 3. Lack of sanitation (including records of sanitation) throughout the production day, and
 4. What to do if inadequate grinding records are found
2. Determining appropriate mechanisms for sharing the committee's work,
3. Reporting the committee's findings and recommendations to the 2022 Biennial Meeting of the CFP.

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Supporting Attachments:

- "CFP Presentation on Intended use of Non-Intact Products"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Creation of a Committee: Intended use STEC hazards in retail environment

Issue you would like the Conference to consider:

Retail food establishments with in house grinding operations are commonly not aware of the potential presence of Shiga Toxin-producing E. coli (STEC) associated with beef cuts that are intended for intact use. It is a very common practice for firms to use intact meats "intended for intact use", including boxed primal cuts or in-house generated 'bench trim' from the processing of primal and/or subprimal to make non-intact finished products such as ground beef. This practice exposes consumers to STEC hazards that are controlled at the primary processing facility. The inclusion of controls and education in the retail business environment will reduce the incidence of STEC illnesses and mitigate the liability firms unwittingly assume when violating the Intended Use policy.

Public Health Significance:

STEC may cause illness of varying severity from diarrhea (often bloody) and abdominal cramps to, rarely, kidney disorders. In some instances, the toxin produced by the organism can bind to tissues in the kidneys and cause hemolytic uremic syndrome (HUS), leading to kidney failure and death. Cattle have been identified as a reservoir for pathogens including STEC. The intestinal tract, mouth, hide, and hooves of cattle can contain these pathogens. Contamination can be transferred to the carcass during the slaughter process. Slaughter establishments typically employ a variety controls to prevent, eliminate or reduce these pathogens during the slaughter process. USDA policies do not consider the presence of STEC to be an adulterant in beef products that are intended for intact consumer use, but often these beef products are used at retail establishments to manufacture non-intact products. This practice is common in the retail food industry and often conducted without the firm being aware of the need for controls as evidenced by historically common frequency of outbreaks.

Recommended Solution: The Conference recommends...:

That a Committee for the Evaluation of Intended Use Hazards during Retail Meat Processing be created. This committee should include members of all constituencies in the CFP, including USDA personnel. The committee will be charged with:

1. Implement a variance with HACCP based controls requirement in the model food code for firms using Intact Intended Use meats to manufacture non-intact products. Elements of the variance must include:

A.) Pre-requisite program including supplier guarantee for beef products intended for non-intact products,

B.) Control measures related to STEC Reduction, specifically, methods to reduce STEC on the meat surface to below a detectable level before non-intact processing, such as an antimicrobial intervention, another lethality treatment, or treat or wash the product and trim the entire outer surface,

C.) Supporting recordkeeping, monitoring, and verification.

D.) Establishments must properly design and fully validate the method used to reduce STEC to below detectable levels. This is necessary to address the activity of retail establishments using primal and/or subprimal meats or bench trim from meats that are "intended for intact use" to make non-intact products, such as ground beef.

2.) Edit and revise prior developed 'CFP Beef Grinding Log Template Guidance Document' to include:

A.) Reference to "Intended Use" controls, such as supplier guarantees or certificates of analysis,

B.) STEC hazard controls and industry best practices as modeled by USDA inspected facilities.

3.) Develop educational materials to support grinding log assessment by facility management and state / local regulatory authorities, including:

A.) Educational fact sheets detailing STEC hazards represented by the non-intact handling of beef intended for whole intact use for public distribution,

B.) Inclusion of supporting information into the model food code Annex

4.) Determining appropriate methods of sharing the committee's work, such as:

A.) Posting to state and local health department websites or resource libraries,

B.) Incorporating into CFP training programs, posting to the CFP website, and

C.) Sending a letter to the FDA requesting that the Food Code, Annex be amended by adding references to the amended guidance document as well as any existing guidance documents that the committee recommends.

5.) Sending a letter to the USDA requesting that inspected facilities improve the critical control point of communication as related to the "Intended Use" policy to downstream customers.

6.) Reporting the committee's findings and recommendations to the 2022 Biennial Meeting of the Conference for Food Protection.

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Supporting Attachments:

- "USDA AskFSIS website detailing gaps in current notifications of hazards"
- "1999 Federal Register"
- "FSIS Compliance guideline for minimizing STEC in raw beef"
- "CFP Guidance document for the production of raw ground beef at retail"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Create Committee – Standardization of HACCP Plans for Sushi at Retail

Issue you would like the Conference to consider:

The production of sushi at retail is considered a special process requiring a variance due to the acidification of rice to render it as a non-TCS food. In order to obtain this variance, a HACCP plan must be submitted and approved by the regulatory authority. The requirements of these HACCP plans vary widely between regulatory authorities, ranging from one CCP monitoring the pH of acidified rice to five or more CCPs in jurisdictions requiring that sushi kiosks be regulated under 21 CFR 123. These requirements are frequently not anchored in scientific references and are subject to the interpretation of risks by the regulatory authority. The wide variety of interpretations for what is required in a HACCP plan to safely produce sushi at retail highlights the need for a standardized, science-based HACCP plan to regulate sushi kiosks nationwide.

Public Health Significance:

The creation of a standardized, science-based HACCP plan for the production of sushi at retail would provide a variety of benefits for both retailers and regulators. The current process to obtain a variance requires a lengthy review process that may result in undue burden to the operator in the form of unnecessary critical control points not based in scientific fact. This can force for operators to maintain many versions of HACCP books for the same production process that must be updated on an annual basis or whenever individual regulatory authorities make changes. A standard plan would not only shorten plan review and approval times but would greatly reduce the number of HACCP plans that must be maintained. Currently, regulatory authorities must vary inspection criteria between operator and location. A standardized HACCP plan would allow for more consistent oversight and would allow for inspectors to be trained on established critical control points across all facilities. This benefit would also extend to operators who could be trained to follow a single plan that would control hazards across all jurisdictions.

Recommended Solution: The Conference recommends...:

The Conference recommends...

that a Committee for the Standardization of HACCP for Sushi at Retail be created. This committee shall be composed of industry, academic, and regulatory stakeholders and charged with the following:

- Determining best practices and collecting available guidance documents pertaining to the production of sushi prepared at retail stores.
- Identifying and quantifying the array of current regulatory requirements for HACCP plans pertaining to the production of sushi prepared at retail stores.
- Developing a science-based HACCP plan and guidance document for the production of sushi prepared at retail stores.
- Referencing the guidance document in the Food Code or Annex, or wherever the committee deems appropriate.
- Identifying the best methods to disseminate the committee's findings.
- Reporting the committee's findings at 2022 CFP Biennial Conference.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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: 2018-III-022, 2014-III-025; new or additional information has been included or attached.

Title:

Creation of a Rotisserie Chicken Food Safety Committee

Issue you would like the Conference to consider:

There were three reported *Salmonella* outbreaks involving rotisserie chicken cooked at retail food establishments during 2013 - 2019^{2,3,4}. Investigations in two of the outbreaks identified that inadequate cooking and cross contamination contributed to the outbreaks^{1,5} and that written procedures did not adequately address these contributing factors. Since multiple whole chickens are often cooked at one time in retail food establishments, maintaining and measuring appropriate temperature during cooking can be challenging. Findings from the outbreak investigations, and best practices developed to address these findings, could apply to any retail food establishment preparing whole rotisserie chickens as well as products such as chicken salad that use meat harvested from rotisserie chickens. Therefore, FSIS recommends that the Conference for Food Protection (CFP) create a committee to develop guidance for retailers that addresses the unique challenges associated with cooking rotisserie chickens. This information could also be used to develop training materials, of which could be used by Food Safety Managers as a reference in their Active Managerial Control Program.

Public Health Significance:

The Food Code recommends that raw poultry be cooked to 165°F for 15 seconds per §3-401.11(A)(3). However, there have been outbreaks related to rotisserie chicken not reaching the recommended temperature and cross-contamination that needs to be addressed in existing guidance. These challenges, such as ensuring temperature measurement is taken on the coldest part of the largest bird and controlling traffic within the raw and ready-to-eat areas of the retail establishment, were identified as contributing factors in the two outbreaks in 2013 and 2016-2017^{1,5}. The firm's procedures and training programs did not adequately address the food safety vulnerabilities unique to this product, such as variability in bird size, loading and unloading dozens of birds at a time into the rotisserie, taking temperatures at the proper location and depth, and preventing cross

contamination between the raw and RTE foods being prepared in the same space. The 2013 outbreak investigation involved at 32 case-patients that ate at a single retail food establishment. The 2016-2017 outbreak investigation involved 24 case-patients who reported consuming items containing rotisserie chicken at multiple stores of a single retail chain. In 2019, FSIS, CDC, and public health partners investigated a multistate *Salmonella* outbreak associated with chicken. Investigators identified a sub-cluster of 15 case-patients who had purchased rotisserie chicken or products made with harvested rotisserie chicken from a single grocery store location. In addition, in this 2019 outbreak investigation, a sample of leftover rotisserie chicken collected from a case-patient's home yielded the outbreak strain.

FSIS submitted issues to the 2014 CFP Biennial Meeting (2014 III_025) as well as to the 2018 CFP Biennial Meeting (2018 III_022) to create a Committee for Safe Cooking of Rotisserie Chicken. The focus was to develop further instructions to ensure that all poultry is cooked thoroughly, and that cross-contamination is avoided. No action was taken in response to either issue because it was felt that the cooking recommendations in the Food Code were sufficient. After each of the 2014 and 2018 CFP Biennial Meetings, an outbreak associated with rotisserie chicken occurred. Investigations following two of the outbreaks identified common challenges associated with ensuring rotisserie chickens are cooked to the recommended temperature. These challenges are not addressed by current recommendations in the Food Code. Specifically, investigation findings from two of the outbreaks indicated a potential for inadequate cooking of rotisserie chicken both because of the cooking procedures and inappropriate temperature monitoring. This can be attributed to the temperature of the largest bird not being monitored, variability of the location of temperature monitoring (e.g., breast, thigh, or both), variation in the depth of temperature measurement (surface and internal temperature measurements), and thermometers not properly calibrated. In addition, investigations noted handling practices provided opportunities for cross-contamination^{1,5}. Contact between smocks and aprons used for ready-to-eat production and those used for raw production and employee traffic between raw and ready-to-eat areas were not controlled. While cross contamination could be associated with any product, cooking of rotisserie chicken at retail food establishments presents a unique situation due to the handling of whole birds while skewering, loading, and unloading the rotisserie and handling during harvesting of leg, breast, and thigh meat. These unique issues are likely applicable across retail food establishments that produce rotisserie chicken.

Forming a committee to develop a guidance document on the safe handling and cooking of rotisserie chicken would provide a valuable resource for retailers. The committee would further identify lessons learned from past outbreaks and provide guidance to the retail industry. While FSIS can share best practices for cooking poultry products in federal establishments, collaborating with retail industry and state and local regulators will ensure the guidance will provide practical recommendations for proper handling and preparation of raw rotisserie chicken, cooking procedures to achieve lethality, temperature measurement protocols, and post-processing handling. By following the recommendations in the guideline, retail food establishments would be better able to ensure that Food Code recommendations related to cooking and cross-contamination of chicken are followed. This in turn should decrease the likelihood of foodborne illness being attributed to such products.

References (noted above with superscript numerals)

1. FSIS After Action Report (2019):
<https://www.fsis.usda.gov/wps/portal/fsis/topics/recalls-and-public-health-alerts/foodborne-illness-investigations/outbreaks-salmonella-rotisserie-chicken-products-2016-2017>.
2. FSIS Recall Release (058-2013):
<https://www.fsis.usda.gov/wps/portal/fsis/topics/recalls-and-public-health-alerts/recall-case-archive/archive/2013/recall-058-2013-release>
3. FSIS Recall Release (058-2013 Expanded):
<https://www.fsis.usda.gov/wps/portal/fsis/topics/recalls-and-public-health-alerts/recall-case-archive/archive/2013/recall-058-2013-expanded>
4. FSIS 2016 Public Health Alert:
<https://www.fsis.usda.gov/wps/portal/fsis/newsroom/news-releases-statements-transcripts/news-release-archives-by-year/archive/2016/pha-100916>
5. Kissler, B. 2017. Assessing Contributing Factors for *Salmonella* I 4,[5],12, I:- Outbreak Investigations Associated with Pork and Rotisserie Chicken. International Association for Food Protection, July 10-12, 2017, Tampa, FL. Available at:
https://www.fsis.usda.gov/wps/wcm/connect/a59f7d39-0bd1-4ce1-8561-df3824b08dea/IAFP-slides-kissler_071217.pdf?MOD=AJPERES.

Recommended Solution: The Conference recommends...:

The Conference recommends that a Rotisserie Chicken Food Safety Committee be convened of members from all constituencies in the CFP. The Conference recommends FSIS support this committee with agency resources, including active engagement from advisory members and FSIS subject matter experts. The Committee will be charged with:

1. Identifying best practices and existing guidance documents that relate to the preparation of rotisserie chicken at retail,
2. Developing a comprehensive guidance document for retail food establishments with best practices specific to rotisserie chicken preparation to ensure general Food Code recommendations are followed. These recommendations would include proper handling during preparation, cooking procedures to achieve lethality, temperature measurement protocol, and post-processing handling,
3. Determining appropriate mechanisms for distributing the guideline and related outreach, such as:
 1. Posting to state and local health department websites or resource libraries;
 2. Incorporating into CFP training programs and posting to the CFP website, and
 3. Requesting through FDA that the Food Code Annex be amended by adding a reference to the new guidance document and posting this information on the CFP website, and
4. Reporting the committee's findings and recommendations to the 2022 Biennial Meeting of the CFP.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Amend Food Code – Frozen Food Cook Requirements for HSP

Issue you would like the Conference to consider:

A recommendation is being made to require a final cook temperature for frozen food products that are not considered ready-to-eat by the manufacturer, when served to a highly susceptible population (HSP).

Public Health Significance:

According to the website of the Centers for Disease Control and Prevention, frozen food products have been the source of multiple outbreaks in recent years, including an outbreak of *Listeria monocytogenes* linked to frozen vegetables that killed four people between 2013-2016.

Since 2008, the FDA draft Compliance Policy Guide (CPG) has allowed ready-to-eat food products that do not support the growth of *Listeria monocytogenes* to contain up to 100 CFU/g of the organism. Products that fall within this tolerance level are intended by the manufacturer to be thoroughly heated before consuming¹. However, there has been an increase in the inclusion of frozen foods, such as berries and kale, in food products that are not heated. Currently, there is no regulatory requirement for these products to reach any temperature for lethality before service.

Research has confirmed that *Listeria* spp. will grow in thawed, frozen food without long lag phases. For example, lag phase duration was 48 hours for foods stored at 4°F, and freezing does not cause an increase in lag phase as had been previously hypothesized². During the allowable 7 days holding for foods such as peas and corn, there is potential for a 3-log growth in *Listeria monocytogenes*, according to Kataoka et al². This growth, with no required lethality step, could lead to illness.

An endpoint temperature of 135°F is being recommended to provide lethality for *Listeria monocytogenes* for highly susceptible populations. The listeriosis outbreak in 2015 linked to Blue Bell ice cream showed that even low doses of listeria ingestion can cause illness and death. While FDA and the frozen food industry work to find a solution to *Listeria* spp. in

frozen food for the general public, it is important to acknowledge additional care should be taken for highly susceptible populations.

References

1. Compliance Policy Guide, CFSAN, ORA, February 2008
2. Kataoka et al, *Journal of Food Protection*, Vol. 80, No. 3 (2017) 447-453
3. Pouillot et al, *Emerging Infectious Diseases*, Vol. 22, No. 12 (2016) 2113-2119

Recommended Solution: The Conference recommends...:

That a letter be sent to the FDA recommending the most recent version of the FDA Food Code , Section 3-801.11 be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format):

In a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION:

(E) Plant foods purchased in frozen form which contain validated cooking instructions and are not considered ready-to-eat by the manufacturer must be cooked to 135°F.

~~(E)(F)~~ Time only, as the public health control as specified under ¶ 3-501.19(D), may not be used for raw EGGS.

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Supporting Attachments:

- "Compliance Policy Guide"
- "Growth of Listeria in Thawed Frozen Food"
- "Infectious Dose of Listeria Monocytogenes"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Amend Food Code to Require Detergent for Equipment Cleaning

Issue you would like the Conference to consider:

Under FSMA, hot water is not considered effective for removal of allergens. Currently the 2017 Food Code appears to allow the use of hot water without chemicals, for cleaning of equipment under 4-603.14 Wet Cleaning. This may allow allergens to persist on a food contact surface, resulting in cross cross-contact.

Public Health Significance:

Allergen proteins can difficult to remove from food contact surfaces as they can be sticky or even baked on/cooked onto a surface. Inadequate cleaning has been identified as a contributing factor for cross-contact; and cross-contact is one of the major causes of allergen recalls. Prevention measures for cross contact include the creation of a cleaning procedure proven effective for allergen removal. The use of hot water alone for cleaning of food contact surfaces, has not been proven effective for removal of allergens.

A reduction in cross contact would reduce the number of recalls within the food industry while also preventing adverse health outcomes in consumers.

Currently, the 2017 Food Code allows for the use of hot water only for cleaning equipment. This practice is prohibited under FSMA as hot water is considered ineffective for the removal of allergens. If adopted, the following language will allow for effective removal of allergens during cleaning.

The annex references chemical use through this section, but the specific language was not brought into the code itself.

Recommended Solution: The Conference recommends...:

A letter be sent to FDA to change Section 4-603.14 to address removal of allergens from equipment in the most current edition of the Food Code.

4-603.14 (A) EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be effectively washed to remove or completely loosen soils and major food allergens by using the manual or mechanical means necessary. ~~such as the application of detergents containing wetting agents and emulsifiers; acid; alkaline, or abrasive cleaners; hot water brushes; scouring pad; high pressure sprays; or ultrasonic devices.~~

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 III-021

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: 2018 COUNCIL III 027; new or additional information has been included or attached.

Title:

Amend Food Code: Hand Cleanse-Sanitize Protocol Not Requiring Water

Issue you would like the Conference to consider:

The December 2019 Supplement to the 2017 Food Code removes the use of chemically treated towelettes as a hand washing protocol. This leaves operators without a convenient choice for water-compromised locations. Inconvenience limits hand washing and results in a public health risk.

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 the FDA requesting the most current edition of the 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:

- "JFP SaniTwice article"
- "Farm Hands Cleansing"
- "JFP Hand Hygiene Regimens"
- "JFP Hand Hygiene Interventions - part 1"
- "JFP Hand Hygiene Interventions - part 2"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 III-022

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 2017 Food Code to improve the sanitary transport of wet wiping cloths

Issue you would like the Conference to consider:

The 2017 Food Code addresses only two states for wet wiping cloths.

- 1) Held in sanitary solution.
- 2) in use.

The Food Code does not account for a "third" state of sanitary towel use that is a reality in restaurants and bars.

- 3) The sanitary transportation of the cloth between 1 & 2 above.

Public Health Significance:

The ability to sanitize and use a vessel to carry wet wiping cloths would significantly reduce wet wiping cloths' exposure to and spreading of harmful microorganisms to tables, counters, utensils, equipment surfaces, and thus the public.

Recommended Solution: The Conference recommends...:

That section 3-304.14 (B)(2)(3) of the 2017 Food Code be amended to read;

3-304.14 Wiping Cloths, Use Limitation.

(A) Cloths in-use for wiping FOOD spills from TABLEWARE and carry out containers that occur as FOOD is being served shall be:

- (1) Maintained dry; and
- (2) Used for no other purpose.

(B) Cloths in-use for wiping counters and other EQUIPMENT surfaces shall be:

- (1) Held between uses in a chemical sanitizer solution at a concentration specified under § 4-501.114; and

(2) Transported in a manner that prevents cross contamination of tables, counters, utensils, and equipment surfaces and

~~(2)~~ (3) Laundered daily as specified under ¶ 4-802.11(D).

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Supporting Attachments:

- "OBSERVATIONS TO SUPPORT BIENNIAL MEETING ISSUE SUBMITTAL"
- "Yepiz-Gomez and Gerba Study Abstract"
- "Yepiz-Gomez and Gerba Study Excerpts with Data"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Amend Food Code – Clarification on allowable sanitizers in 4-501.114

Issue you would like the Conference to consider:

Section 4-501.114 of the FDA Food Code places constraints on certain variables that may impact efficacy of chemical sanitizers. Specifically, this section addresses water temperature, pH, concentration, and water hardness as it relates to efficacy of chemical sanitizers formulated with chlorine, iodine, and quaternary ammonium compounds. This section is often interpreted in such a manner as requiring all food contact sanitizers to be formulated with only one of these three active ingredients. This misinterpretation is a potential barrier to adoption of chemical sanitizers formulated with alternative active ingredients (i.e., actives other than chlorine, iodine, or quaternary ammonium compounds). Additional clarity is needed in this section in order to not inadvertently restrict innovative formulation in the area of chemical food contact sanitizers.

Public Health Significance:

Next generation chemical sanitizers are increasingly being formulated with active ingredients other than chlorine, iodine, or quaternary ammonium compounds. These innovative formulations have the potential to improve public health by offering broader spectrum kill claims and faster kill times for many organisms of public health significance in food settings. However, the benefits of these alternative active ingredients cannot be realized if unintended barriers to their adoption are in place. Adding clarification to section 4-501.114 will effectively lift restrictions on the innovation process in the field of chemical food contact surface sanitizers.

Recommended Solution: The Conference recommends...:

1. that a letter be sent to FDA requesting that Section 4-501.114 of the most current edition of the Food Code be amended as follows (added language underlined and italicized):

4-501.114 (E) If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be approved by the EPA for use as a food contact surface sanitizer, and it shall be applied in accordance with the EPA-registered label use instructions;^p

1. that a letter be sent to FDA requesting that Section 4-501.114 of Annex 3 - Public Health Reasons/Administrative Guidelines be amended as follows (added language underlined and italicized):

With respect to chemical sanitization, section 4-501.114 addresses the proper use conditions for the sanitizing solution, i.e., chemical concentration range, pH, and temperature minimum levels and, with respect to quaternary ammonium compounds (quats), the maximum hardness level. If these parameters are not as specified in the Code or on the EPA-registered label, then this provision is violated. *This section is not intended to limit formulation of food contact sanitizers to only chlorine, iodine, or quaternary ammonium compounds. Alternative active ingredients (e.g., ethanol, hydrogen peroxide, lactic acid, peroxyacetic acid, etc.) are permitted as long as they are listed in 40 CFR 180.940 and are approved by EPA as food contact sanitizers.*

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Supporting Attachments:

- "CFP Letter of Support"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Amend Food Code by removing the flavor enhancers monosodium glutamate

Issue you would like the Conference to consider:

We would like the U.S. Food & Drug Administration (FDA) to amend the most current edition of the Food Code by removing the flavor enhancer monosodium glutamate (MSG) from the list on page 564 of 767 "*Annex 4, Table 2b- Added Chemical Hazard at Retail, Along with their Associated Foods and Control Measures.*"

By way of brief background, the *1999 Food Code* published examples of chemical hazards that included naturally occurring chemicals and added chemicals that was adopted from the textbook, "*HACCP Principles and Applications*" (Pierson and Corlett, Ed. 1992, Chapman & Hall, New York, NY). It is our understanding the *1999 Food Code* first mentioned monosodium glutamate as a chemical hazard. Subsequent Food Code publications have revised the table with a list of added chemical hazards and no longer references Pierson and Corlett, 1992; however, the Food Code retains monosodium glutamate as a chemical hazard even given the FDA's extensive review of MSG in the 1990s and its public position affirming the safety of MSG.

According to most current edition of the Food Code, it defines chemical hazards as, "... *naturally occurring or added to foods during processing. At high levels, toxic chemicals may cause acute cases of food borne illness while at low levels may cause chronic illnesses. Per 21 CFR Parts 109, chemical hazards may include poisonous or deleterious substances that are naturally occurring chemicals, and food allergens. In addition, food additives permitted for direct addition to food for human consumption (21 CFR Part 172) may have allowable limits for many of the chemicals added during processing.*"

It is important to note that MSG does not fit in the aforementioned definition of 'chemical hazards' categories. Per 21 CFR 182.1, MSG is a safe food ingredient regulated as a Generally Recognized as Safe (GRAS) substance, and the FDA has not set any limitation on its use other than Good Manufacturing Practices (GMPs). In fact, the FDA assigns MSG a GRAS status for its intended use alongside salt, pepper, vinegar, and baking powder.

It is also noteworthy that MSG is the sodium salt of glutamic acid, which is found in many foods that contain protein. In fact, the FDA's "*Questions and Answers on Monosodium Glutamate*" website states, "*MSG occurs naturally in ingredients such as hydrolyzed vegetable protein, autolyzed yeast, hydrolyzed yeast, yeast extract, soy extracts, and protein isolate, as well as in tomatoes and cheeses.*"² The human body utilizes and metabolizes MSG in the same way whether it comes from MSG or other dietary sources of protein. Furthermore, on average, an adult in the United States consumes approximately 0.55 grams per day added MSG, significantly lower quantity compared to 13 grams of glutamate consumed each day from protein in the diet.²

It is therefore inappropriate and contradictory to include MSG in the list of added chemical hazards in the Food Code because the FDA rightfully recognizes it to be a safe ingredient and has not been shown to elicit any reproducible adverse reactions in people². The inclusion of MSG as a chemical hazard in the Food Code is misleading and could potentially weaken the integrity of the Food Code as a science-based document. In addition, it sends an erroneous message that there is a safety concern with MSG and distracts food service establishments from focusing on real concerns that pose legitimate known chemical hazards to the public. To our knowledge, the FDA has not listed MSG as a chemical hazard in other relevant guidance documents. For example, there is no mention of MSG as a chemical hazard on the FDA's *Fish and Fishery Products Hazards and Control Guidance*³ or *A Regulator's Manual for Applying HACCP Principles to Risk-based Retail and Food Service Inspections and Evaluating Voluntary Food Safety Management Systems*.⁴

The FDA has investigated the safety of MSG on multiple occasions and concluded it to be a safe food ingredient. In the 1995 report by Life Sciences Research Office (LSRO) commissioned by the FDA, the review concluded, that MSG is safe for the general population⁵. The FDA website re-confirms the LSRO review that in studies with individuals who claim to be sensitive to MSG, when such individuals were given MSG or a placebo, scientists have not been able to consistently trigger adverse reactions. This conclusion is consistent to a double-blind, placebo-controlled with a crossover study design conducted at a multicenter, multiphase institutions at Harvard, Northwestern and the University of California Los Angeles where 130 individuals who claimed sensitivity to MSG following the administration of oral doses of up to 5 grams of MSG with and without food found "neither persistent nor serious effects from MSG ingestion are observed, and the responses were not consistent on retesting."⁶

There is no legitimate scientific evidence to include monosodium glutamate as a 'chemical hazard' in "*Table 2b- Added Chemical Hazard at Retail, Along with their Associated Foods and Control Measures*" in the most current edition of the *Food Code*. The overwhelming scientific evidence proves that monosodium glutamate is a safe food ingredient. We strongly urge the FDA to remove MSG as a chemical hazard from the Food Code because it is misleading and contradicts the agency's own internal documents and other global regulatory bodies' positions that affirm the safety of the ingredient.

Public Health Significance:

Monosodium glutamate is a GRAS affirmed safe ingredient that has been thoroughly evaluated by the FDA, Joint FAO/WHO Expert Committee on Food Additives (JECFA), European Food Safety Authority (EFSA) and other major regulatory bodies. Furthermore,

MSG plays a useful role in reducing dietary sodium intake while at the same time enhancing the flavor of food. MSG contains approximately 12% sodium by weight, which is approximately one-third contained in regular table salt (39%).

Publications by authoritative bodies such as the Institute of Medicine's (IOM) *Strategies to Reduce Sodium Intake in the United States* mention MSG as flavoring techniques to reduce the need for added salt by imparting a savory taste ("umami") as well as a salt taste to food.⁷ The *2019 Dietary Reference Intakes (DRI) for Sodium and Potassium* report, explores opportunities that can be applied to reduce sodium intake in the food supply using MSG. The report states that, "*a flavor enhancer to help reduce sodium is free glutamate, used mainly in the form of monosodium glutamate (MSG).*"⁸ The statements from these authoritative bodies concurs with studies that have shown monosodium glutamate utility in flavor enhancement and sodium reduction.⁹

Listing MSG as a chemical hazard in the most current edition of the Food Code results in misinformation and confusion among the public at large and those employed in the food service industry, which can prevent them from addressing legitimate chemical hazards that can impact the health of their patrons. MSG is a well-studied, safe ingredient that can play a useful role in dietary sodium intake. Dietary sodium reduction is recommended for reducing hypertension, a major public health concern in the United States. Listing MSG as a chemical hazard in the Food Code threatens the use of this ingredient as a safe, effective way to reduce dietary sodium. Its listing also creates confusion by reinforcing an urban legend based on scientifically unconfirmed safety concerns about MSG when the FDA's publicly available information confirms the ingredient is safe.

Supportive References 1-9 on content document is provided as attachments: 1) References web link on MSG Safety and sodium reduction benefits 2) References on MSG sodium reduction benefits.

Recommended Solution: The Conference recommends...:

The Conference recommends that a letter be send to the FDA requesting that the most recent edition of the Food Code be amended as follows:

"Annex 4, Table 2b- Added Chemical Hazard at Retail, Along with their Associated Foods and Control Measures." on page 564 of 767.

Added Chemical Hazard

Associated Foods

Control Measures

~~Flavor enhancers monosodium glutamate (MSG)~~

~~Asian or Latin American Food~~

~~Avoid using excessive amounts-~~

.

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Content Documents:

- "References web link on MSG safety and sodium reduction benefits"

Supporting Attachments:

- "Reference on MSG sodium reduction benefits"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Amend definition of TCS to include caramel apples with an inserted stick

Issue you would like the Conference to consider:

Historically, uncooked fruits have been considered non-TCS food unless they were epidemiologically implicated in foodborne illness outbreaks and are capable of supporting the growth of pathogenic bacteria in the absence of temperature control. In light of a 2014 multi-state outbreak of listeriosis associated with consumption of caramel apples contaminated with *Listeria monocytogenes*, and subsequent scientific investigations into the factors that could have led to the outbreak, we recommend the Conference to consider modifying the definition of Time/Temperature Control for Safety Food to include "caramel apples with an inserted stick" in Chapter 1, Section 1-201.10.

Public Health Significance:

In 2014, there was a multi-state foodborne illness outbreak of listeriosis associated with consumption of caramel apples; these caramel apples had an inserted stick (FDA Report 2014; CDC Report 2015). At the end of its outbreak investigation, the Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services had reported that a total of 35 people in 12 states were infected with the outbreak strain of *L. monocytogenes* (CDC Report). Of those 35 people:

- Thirty-four people were hospitalized;
- Listeriosis contributed to at least three of the seven deaths reported;
- Eleven illnesses were pregnancy-related (occurred in a pregnant woman or her newborn infant), with one illness resulting in a fetal loss;
- Three invasive illnesses (meningitis) were reported among otherwise healthy children aged 5-15 years; and
- Twenty-eight (90%) of the 31 ill people interviewed reported eating commercially produced, prepackaged caramel apples before becoming ill.

More information about FDA's investigation of this outbreak is available in the outbreak investigation report (FDA Report 2014). Three manufacturers of caramel apples issued voluntary recalls of caramel apples because they had the potential to be contaminated with *L. monocytogenes*. In addition, the apple supplier that provided apples to each of these manufacturers recalled apples implicated in the outbreak.

L. monocytogenes is a bacterium that can contaminate foods and cause a mild illness (called listerial gastroenteritis) or a severe, sometimes life-threatening, illness (called invasive listeriosis (Codex, 2007). Invasive listeriosis has a relatively high mortality rate compared to most other foodborne illness (approximately 20 percent compared to less than 1 percent for *Salmonella* or *Escherichia coli* O157) (Scallan et al, 2011). Persons who have the greatest risk of experiencing listeriosis after consuming foods contaminated with *L. monocytogenes* are pregnant women and their fetuses, the elderly, and persons with weakened immune systems (Pouillot et al, 2015.). It is well established that foods that pose the greatest risk of foodborne listeriosis are those ready-to-eat (RTE) foods that have intrinsic characteristics (such as pH and water activity) that support the growth (i.e., multiplication to increase in number) of *L. monocytogenes*, whereas the RTE foods that pose the least risk of foodborne listeriosis are foods that have intrinsic characteristics that prevent the growth of *L. monocytogenes* (Codex, 2007). For example, *L. monocytogenes* does not multiply in a food that has a pH of 4.4 or below or in a food that has a water activity of the food that is less than or equal to 0.92 (Codex, 2007). Although *L. monocytogenes* can grow slowly during refrigerated storage and, thus, refrigeration is less effective as a control measure for *L. monocytogenes* than for other foodborne pathogens (such as *Salmonella*), *L. monocytogenes* grows more slowly under refrigeration than at room temperature.

Outbreaks of listeriosis from caramel apples were surprising because apples have a pH less than 4.0 and the caramel coating has a water activity less than 0.80, which are below the limits that allow growth of *L. monocytogenes* (Glass et al., 2015). However, research on the survival and growth of *L. monocytogenes* in caramel apples in which a stick was inserted at the stem end suggests that inserting the stick may release juices from the apple that leads to a microenvironment at the interface of the caramel and the apple in which significant growth of *L. monocytogenes* can occur at room temperature (Glass et al. 2015; Salazar et al., 2016). *L. monocytogenes* inoculation of the apple followed by stick insertion at the stem end and caramel coating resulted in significantly more growth in caramel-coated apples with sticks than in caramel-coated apples without sticks (Glass et al., 2015). *L. monocytogenes* did not grow on fresh apples (uncoated) stored at 25°C (77°F) for 49 days (Salazar et al., 2016) and showed limited growth on caramel-coated apples without sticks when stored at 25°C for 28 days (Glass et al., 2015). In contrast, *L. monocytogenes* increased by several logs in caramel apples with an inserted stick (Glass et al. 2015; Salazar et al., 2016). *L. monocytogenes* growth was significantly reduced when caramel apples on a stick were stored at refrigeration temperatures (5-7°C; 41-45°F) (Glass et al., 2015; Salazar et al., 2016). The interface between the stem end of the apple and the caramel layer may have a microenvironment with sufficiently high water activity and pH when the stick penetrates the apple. Thus, caramel-coated apples on a stick present a lower risk for illness when stored refrigerated storage compared to storage at room temperature.

Recommended Solution: The Conference recommends...:

The Conference recommends a letter be sent to FDA to request amending the definition of "Time/Temperature Control for Safety Food" by adding "caramel apples with an inserted stick" in part 2 of the definition of "Time/Temperature Control for Safety Food" in Chapter 1, Section 1-201.10.

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Supporting Attachments:

- "Outbreaks of Foodborne Illness"
- "Multistate Outbreak of Listeriosis Linked to Commercially Produced..."
- "Guidelines on the application of the General Principles of Food Hygiene"
- "Foodborne illness acquired in the US - major pathogens"
- "Listeria monocytogenes dose response revisited"
- "Fate of Listeria monocytogenes in Fresh Apples and Caramel Apples"
- "Growth of Listeria monocytogenes within a caramel-coated apple microenv..."

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Amend 3-302.11: When Raw Animal Products Do Not Need Separation from RTE

Issue you would like the Conference to consider:

Modify 3-302.11(A)(2) to indicate ready-to-eat foods may be combined as *ingredients* with raw animal foods.

Public Health Significance:

While 3-302.11(A)(1)(a) clearly states that raw animal products must be kept separate from "raw READY-TO-EAT FOOD such as fruits and vegetables", retailers often package meal kits combining fresh, raw animal products with ready-to-eat food. Whether it is raw turkey in an aluminum pan on top of prepared stuffing, raw chicken with sliced peppers, raw roast wrapped with a bag of peeled vegetables, or a package of ground beef wrapped with tortillas, shredded cabbage, and a lime, the meal kits often contain ready-to-eat products next to raw animal products sometimes with no additional separation.

While the consumer likely sees the need to safely handle and fully cook ready-to-eat foods when combined as ingredients in the same package with raw animal products, the presence of raw animal products next to ready-to-eat foods requiring separate handling or not needing a cook step, may increase the risk of cross contamination for the consumer.

The presence of the fresh meal kits and other combinations of raw animal products with ready-to-eat ingredients at national retailers indicates current practice across multiple jurisdictions. Modifying 3-302.11 to identify that ready-to-eat foods may be combined as an ingredient with raw animal products will alleviate confusion for retail production of raw, fresh animal product meal kits, will help increase nationwide consistency, and will help reduce risk of cross-contamination.

Recommended Solution: The Conference recommends...:

...that a letter be sent to FDA requesting that Section 3-302.11(A)(2) be modified as follows:

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

...

(2) *Except when combined as ingredients*, separating types of raw animal FOODS ~~from each other~~ such as beef, FISH, lamb, pork, and POULTRY from READY-TO-EAT FOODS and each other 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

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Supporting Attachments:

- "3-302.11 Raw Meat Meal Kits at Retail"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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: 2010 III-015; new or additional information has been included or attached.

Title:

Temperature of Water for Handwashing Sinks

Issue you would like the Conference to consider:

Remove from the current published version of the 2017 Food Code Section 5-202.12(A) the requirement that a hand sink must deliver running water at a specific measured temperature and replacing the temperature to require warm water be provided.

Public Health Significance:

Safe food production is dependent on food production workers frequently washing their hands by following the hand cleaning procedure outlined in Section 2-301.12.

Harmonizing the language between 2-301.12 and 5-202.12(A) will help eliminate misinterpretation by many industry partners who try to comply with the food code by requiring employees to wash their hands using the minimum temperature specified in 5-202.12(A).

Additionally, a large percentage of hand sinks are installed in kitchens and restrooms with touch-free faucets. The water is pre-mixed to provide warm and comfortable water for hand washing. The use of touch-free faucets makes it difficult, without assistance of a plumber, for industry to periodically check the temperature of the hot water source at the hand sinks to monitor their compliance with 5-202.12(A).

An October 1, 2015 letter from the FDA titled "Handwashing water temperature" and published to the FDA Food Code Reference System clarifies that "...the FDA Food Code does not specify that hands are to be washed using water at a specific temperature..."

Public health is better protected by following the procedure outlined in 2-301.12 and hands are rinsed using warm, comfortable water as referenced in the attached October 1, 2015 FDA letter.

Recommended Solution: The Conference recommends...:

...that a letter be sent to the FDA recommending a change to the most current version of the 2017 Food Code section 5-202.12 Handwashing Sink, Installation (A) to read as follows: (new language is underlined; language to be removed is in strikethrough format):

(A) A HANDWASHING SINK shall be equipped to provide warm water ~~at a temperature of at least 38°C (100°F)~~ through a mixing valve or combination faucet. ^{Pf}

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Content Documents:

- "2017 FDA Food Code"

Supporting Attachments:

- "FCRS 2015 "Handwashing water temperature""

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 III-028

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:

Amend 5-202.12 of Food Code to Change Hot Water Temperature

Issue you would like the Conference to consider:

A recommendation is being made to reconsider the requirement in the FDA Food Code that water for handwashing be available at 100°F based on more recent available science.

Public Health Significance:

Handwashing efficacy has been often studied to determine which factors are most important in reducing pathogen load on hands. Requirements of the FDA Food Code should be based on scientific data. Higher water temperatures require additional energy usage, and many public restrooms have lowered target water temperatures to combat scald concerns. There are documented risks of burns and scalds among elderly and children, and food service establishments often struggle juggling the requirement of hot water for handwashing with these risks. Numerous studies have been done to determine if the water temperature Research has been done to show that the temperature of water used in handwashing does not impact pathogens removed from hands during handwashing¹. The temperature of the water serves as a comfort factor for the food employee who is participating in handwashing. Overall, since water temperature has been proven to have no impact on handwashing efficacy, the 100°F water temperature should be reduced to a lower temperature that considered employee comfort while allowing for reduced temperature for energy usage and scalding concerns².

References

1. Michaels et al *Food Service Technology*, 2, pp. 139-149
2. Jensen et al *Journal of Food Protection*, 80, pp. 1022-1031

Recommended Solution: The Conference recommends...:

That a letter be sent to the FDA requesting that Section 5-202.12 of the most current edition of the Food Code be amended to change the minimum required water temperature for handwashing to 21°C (70°F).

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Supporting Attachments:

- "Water Temperature as a Factor in Handwashing Efficacy"
- "Quantifying Effects of Handwash Duration..."

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

3-306.13 Consumer Self-Service Operations

Issue you would like the Conference to consider:

The 2017 FDA Food Code allows Raw, Frozen, shell-on shrimp or lobster in a consumer self-service but does not allow raw meat. Overwrapped raw animal foods, such as beef, lamb, pork, poultry, and fish are no riskier to the public health of shoppers than if they buy unpackaged product. These overwrapped products leak and have meat juice on the outside of them in the preparation of the packaging itself. Consider the removal of 3-306.13 (A) and changing 3-306.13 (B) to be changed to all food requiring suitable utensils, not just READY-TO-EAT FOODS.

Public Health Significance:

The risk of raw animal products has no higher of a risk than section (2) or (3) of this violation, which are exemptions and allowable:

"(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. "

In fact, neither (2) or (3) state they must be provided with suitable utensils as (B) only mentions READY-TO-EAT FOODS therefore there is no protection again cross contamination.

Recommended Solution: The Conference recommends...:

A letter be sent to FDA requesting that Section 3-306.13 of the most current edition of the Food Code be amended as follows:

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.~~

(B) CONSUMER self-service operations for READY TO EAT FOODS shall be provided with suitable UTENSILS for 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

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Cleaning of Food Contact Surfaces- Time as a Public Health Control

Issue you would like the Conference to consider:

4-602.11 Equipment Food-Contact Surfaces and Utensils; Frequency does not take into consideration the cleaning of food contact surfaces that use time as a public health control for 6 hours under 3-501.19 (C) Time-Maximum up to 6 hours. Code language is not clear if foods are required to be removed from contact surfaces within the 4 hours as stated in 4-602.11.

Public Health Significance:

The code allows for TCS foods to be safely used with an approved Time as a Public Health Control plan under 3-501.19 (C) if foods begin at 41 F and do not exceed 70 F in the six hours. Therefore, the cleaning frequency should match the allowed time of six hours.

Recommended Solution: The Conference recommends...:

The Conference recommends....

That a letter be sent to the FDA requesting that 4-602.11 (D) (8) of the most current edition of the Food Code be added as follows:

4-602.11 (D) (8) In-use utensils being used for foods under an approved plan as specified in 3-501.19 (C) shall be cleaned every 6 hours.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 III-031

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:

Deletion of "Use Limitations" for Cast Iron Cookware

Issue you would like the Conference to consider:

Deletion of Food Code Section 4-101.12 (Cast Iron, Use Limitation) to allow cast iron to be used for utensils or food-contact surfaces of equipment whether or not the surface is heated or used for cooking.

Public Health Significance:

Food Code Section 4-101.12 states that "...the surface characteristics of cast iron tend to be somewhat porous which renders the material difficult to clean." Based on Content Document "Microorganism Recovery Equivalence from Cast Iron and Food Grade Stainless Steel", the data concludes that microorganisms can be removed from cast iron cookware with similar effectiveness of food grade stainless steel.

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that Section 4-101.12 Cast Iron, Use Limitation of the most current food code be deleted, as demonstrated below.

~~4-101.12 Cast Iron, Use Limitation. (A) Except as specified in §§ (B) and (C) of this section, cast iron may not be used for UTENSILS or FOOD-CONTACT SURFACES of EQUIPMENT.~~

~~(B) Cast iron may be used as a surface for cooking.~~

~~(C) Cast iron may be used in UTENSILS for serving FOOD if the UTENSILS are used only as part of an uninterrupted process from cooking through service.~~

~~4-101.12 Cast Iron, Use Limitation. Equipment and utensils constructed of cast iron meet the requirement of durability as intended in section 4-101.11. However, the surface characteristics of cast iron tend to be somewhat porous which renders the material difficult to clean. On the other hand, when cast iron use is limited to cooking surfaces the residues~~

~~in the porous surface are not of significant concern as heat destroys potential pathogens that may be present.~~

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Content Documents:

- "Microorganism Recovery Equivalence from Cast Iron and Food Grade Stainless"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Manufacturer cooking instructions and disclosures

Issue you would like the Conference to consider:

The incidence rate for listeriosis, as reported by FoodNet (0.3 per 100,000 population in 2018 (CDC 2019); 0.25 in 2012 (CDC, 2013)), has changed little over the years, despite industry efforts to control *Listeria monocytogenes* in ready-to-eat foods (RTE foods). Foods that are not ready-to-eat (NRTE foods) are rarely associated with foodborne listeriosis, even if contaminated with *L. monocytogenes*, because cooking is an effective control measure to reduce the risk of foodborne listeriosis. Many manufacturers who intend for their food products to be consumed only after cooking provide cooking instructions on the product label. In addition, recent FDA regulations for the production of human food include a provision whereby food manufacturers and farms may sell their food products to a commercial entity for further commercial processing (such as cooking) to control pathogens rather than control the pathogens themselves, as long as the producers of these foods disclose that the pathogens have not been controlled.

At the retail level, there exists a gap. There is no requirement indicating that foods (other than raw animal foods) that are intended for consumption only after cooking be fully cooked prior to consumption. In an effort to ensure that retail food establishments recognize that they receive foods (other than raw animal foods) that may have hazards that need to be controlled by cooking, we would like the Conference to consider modifying the Food Code to specify that: (1) packaged food that bears a manufacturer's cooking instructions shall be cooked according to those instructions before use in foods that will not be cooked or offered to the consumer in unpackaged form for consumption (e.g., frozen vegetables used in refrigerated salads or served on salad bars), unless the manufacturer's instructions also specify that the food also can be consumed without cooking (e.g., dried soup mix with instructions to be cooked as a soup or used uncooked in preparing a dip); and (2) food that bears a disclosure that it has not been processed to control pathogens shall be cooked before use in ready-to-eat (RTE foods) or offered to the consumer for consumption.

Public Health Significance:

The incidence rate for listeriosis, as reported by FoodNet (0.3 per 100,000 population in 2018 (CDC 2019); 0.25 in 2012 (CDC, 2013)), has changed little over the years, despite industry efforts to control *Listeria monocytogenes* in RTE foods. Foods that are not ready-to-eat (NRTE foods) are rarely associated with foodborne listeriosis, even if contaminated with *L. monocytogenes*, because cooking is an effective control measure to reduce the risk of foodborne listeriosis. Food manufacturers that provide cooking instructions on the label or in labeling for their food products, without also providing suggestions for how to use the food product without cooking, generally intend that their food products are NRTE foods that should be consumed only after cooking and that cooking may be necessary to prevent foodborne illness. Frozen vegetables are an example of a food that often bears cooking instructions and are often intended for use only as NRTE food. Frozen vegetables also are an example of an NRTE food that has been linked to foodborne listeriosis, possibly as a result of failure to cook the food. Frozen corn (and possibly other frozen vegetables) that a producer considered to be NRTE food was linked to an outbreak of listeriosis, reported by the European Food Safety Authority (EFSA) and European Centre for Disease Prevention and Control (ECDC), that spanned the years 2015-2018 in five European countries (EFSA and ECDC, 2018). The published report of this outbreak noted that the consumption of thawed corn and thawed vegetables without cooking them is not an unusual practice (e.g. in salads and smoothies). To reduce the risk of *L. monocytogenes* infection due to frozen vegetables, EFSA and ECDC advised consumers to thoroughly cook frozen vegetables that are not labelled as RTE (EFSA and ECDC, 2018). Like consumers, retail and food service operations sometimes use frozen vegetables in making RTE foods such as salads and smoothies, or retail and food service operations may provide frozen vegetables such as peas and corn on salad bars. If *L. monocytogenes* is present in a frozen vegetable, and the frozen vegetable is thawed and prepared for use as an RTE food without cooking and this food is held refrigerated, the *L. monocytogenes* could multiply during refrigerated storage and potentially cause illness.

Spices (such as pepper) have been found to contain *Salmonella* and large outbreaks of *Salmonella* illness associated with the consumption of microbiologically contaminated black, red, or white pepper have occurred in the United States (FDA, 2017). Most spices that are packaged for retail sale have been processed to control pathogens such as *Salmonella* (FDA, 2017), and the Food Code includes spices as an example of RTE food. However, a 2015 FDA regulation (Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food; 21 CFR part 117) allows a food manufacturer that produces a food (such as a spice or a spice/seasoning blend) that has a known or reasonably foreseeable hazard (such as *Salmonella*) to provide that food to a commercial retail or foodservice operation without first processing the food to control that hazard, as long as the manufacturer discloses to the commercial retail or foodservice operation that the food has not been processed to control the hazard. (See 21 CFR 117.136.) Retail and foodservice operations need to be aware that food that bears such a disclosure must be processed (e.g., by cooking) to control the hazard before making the food available to consumers. For example, a manufacturer might provide to a retail or foodservice operation a taco seasoning blend or spaghetti sauce spice blend designed to be added to a food that is to be cooked (e.g., tacos or spaghetti sauce).

Another 2015 FDA regulation (Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption; the produce safety regulation; 21 CFR part 112) governs the production of produce unless the produce (such as potatoes and winter

squash) is rarely consumed raw. Produce (such as apples) that is covered by the produce safety regulation can be exempt from most requirements of that regulation if it will be commercially processed to control pathogens. (See 21 CFR 112.2(b).) For example, a farm that grows apples and sells the apples to a juice processor is exempt from most of the requirements of the produce safety regulation, as long as the apple grower discloses to the juice processor that the apples have not been processed to control pathogens. That apple grower could also sell its apples to a retail or foodservice operation - e.g., for use in making apple pies - as long as the apple grower discloses to the retail or foodservice establishment that the apples were not processed to control pathogens. Retail and foodservice operations need to be aware that produce that bears such a disclosure must be processed (e.g., by cooking) to control pathogens before making the produce available to consumers.

Recommended Solution: The Conference recommends...:

A letter be sent to FDA requesting that the Food Code address the cooking of Foods That Bear a Manufacturer's Cooking Instructions or That Disclose That the Food Has Not Been Processed to Control Pathogens specifying that: (1) packaged food that bears a manufacturer's cooking instructions shall be cooked according to those instructions before use in foods that will not be cooked or offered to the consumer in unpackaged form for consumption (e.g., frozen vegetables used in refrigerated salads or served on salad bars) unless the manufacturer's instructions also specify that the food also can be consumed without cooking (e.g., dried soup mix with instructions to be cooked as a soup or used uncooked in preparing a dip); and (2) food that bears a disclosure that it has not been processed to control pathogens shall be cooked before use in ready-to-eat (RTE foods) or offered to the consumer for consumption.

Note: This revision is not intended to apply to raw animal foods

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Supporting Attachments:

- "Incidence and Trends of Infection with Pathogens Transmitted Commonly..."
- "Preliminary Incidence and Trends of Infections with Pathogens Transmitted.."
- "Multi-country outbreak of *Listeria monocytogenes* sergroup IVb, multi-locus"
- "Risk Profile: Pathogens and Filth in Spices"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 III-033

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:

Standardization for the Critical Limit and pH Monitoring of Acidified Rice

Issue you would like the Conference to consider:

A recommendation is being made to amend the 2017 FDA Food Code, Section 3-502 to include specific parameters for the target pH and pH testing method of white rice acidified to render it as a non-time/temperature control for safety food. The ability to hold acidified white rice at room temperature is of critical importance for the production of sushi as the texture of room temperature white rice is much more conducive to the rolling and forming of sushi rolls.

Public Health Significance:

The acidification of white rice is necessary to render it as a non-TCS food and control for the growth of *Bacillus cereus*, which can grow at a pH above 4.3 (Lee, 2014). The critical limits for the pH of acidified white rice and the techniques required to measure pH vary considerably between regulatory authorities. Standardizing requirements across regulatory authorities would provide consistency for providers operating in multiple jurisdictions and reduce confusion between regulatory authorities.

Recommended Solution: The Conference recommends...:

...that a letter be sent to the FDA recommending the most current edition of the Food Code be amended to include a standardized procedure for the requirements of a HACCP for acidified white rice. The clarifying language for written procedures as follows (new language is underlined):

Bacillus cereus Controls

3-502.13 Acidified White Rice pH Measurement and Critical Limit Criteria

A FOOD ESTABLISHMENT operating under a VARIANCE from the REGULATORY AUTHORITY as specified in § 8-103.10 and under § 8-103.11 to acidify white rice as to

render it a non-TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall have a HACCP plan that includes:

(A) A description of the products produced;

(B) A recipe for the production of the acidified rice that specifies:

(1) The quantity of rice and water prior to cooking, and cooking instructions;

(2) The vinegar solution recipe including salts and sugars;

(3) The cooked rice to vinegar solution ratio that is to be thoroughly mixed to acidify the rice;

(4) The cooked and acidified rice shall have a targeted pH of 4.1, and a CRITICAL LIMIT of 4.3

(5) The vinegar solution shall be added to the rice within one hour of cooking.

(C) The method used to determine the pH of the cooked, acidified rice that includes the following:

(1) Conducting the pH test within one hour after acidification of the cooked rice and as often as necessary to assure a targeted pH of 4.1, and a CRITICAL LIMIT of 4.3.

(2) Making a rice slurry by gathering one-quarter cup of the cooked acidified rice consisting of five samples taken from the four corners and center of the batch and adding one-half cup of distilled water cup or other UTENSIL OR SINGLE-SERVICE ARTICLE.

(3) Blending the slurry with a UTENSIL for approximately twenty seconds to create a thorough mix.

(4) Inserting a pH probe or pH paper into the liquid portion of the slurry to ensure a pH of 4.3 or less is achieved.

(D) This acidified white rice shall have a shelf life of a maximum of 24 hours.

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Supporting Attachments:

- "Safety and pH Measurements of Sushi Rice in Japanese Restaurants in Burnaby"

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 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:

Inclusion of the phrase "expelled air" in the definition of ROP

Issue you would like the Conference to consider:

The phrase "expelled air" in the definition of ROP Cook Chill Packing is confusing and is not defined. According to the current definition of Reduced Oxygen Packaging as outlined in 1-201.01 of the Food Code, a bag of hot product that is sealed does not meet the definition of ROP. However, the FDA suggests that the process of sealing a bag of hot product meets the definition even the air is not "expelled" in any form or fashion.

Public Health Significance:

There are many facilities who are using cook/chill methods. However, they are not expelling any air from the bags, they are simply sealing the bag without any vacuum method. Therefore, this process does not meet the definition of ROP because the air is not being 'expelled'. This causes significant enforcement issues because the process they are using does not meet the definition of ROP, but yet the FDA is providing guidance that says anytime a bag of warm food is sealed in any method, it constitutes ROP.

Recommended Solution: The Conference recommends...:

Remove the phrase "which have the air expelled" from the definition of Reduced Oxygen Packaging 2(b) Cook Chill PACKAGING as found in Section 1-201.10 of the 2017 Food Code.

"(d) Cook chill PACKAGING, in which cooked FOOD is hot filled into impermeable bags which have the air expelled and are then sealed or crimped closed. The bagged FOOD is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens;"

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