

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 069
Issue: I-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.

Title:

Definition Change to § 1-201.10(B) - Equipment-

Issue you would like the Conference to consider:

This issue recommends a change to the definition of EQUIPMENT to exclude walk-in refrigerators in Section 1-201.10(B) under "Equipment" on page 7 of the 2005 FDA Food Code.

Issue 2004 1- 026 dealing with this issue was accepted at the 2004 CFP with two recommended changes to the FDA Food Code. One was to change the definition of EQUIPMENT under section 1-201.10(B) by adding language that assured exclusion of walk-in refrigerators that are an integral part of the facility from being identified as EQUIPMENT under this definition. This was necessary because regulators and plumbing inspectors in the past had wrongly included walk-in refrigerators as EQUIPMENT. The changes to the 2005 Food Code in section 5-402.11 prohibits direct connection between sewage systems and drains originating from EQUIPMENT. However, (B) of this section exempts floor drains originating in refrigerated spaces constructed as an integral part of the building (i.e. walk-in refrigerators). Changing the EQUIPMENT definition in 1-201.10(B) will align these related Food Code sections to prevent confusion, misinterpretations, or unnecessary design modifications involving floor drains in walk-in refrigerators and compliment the approved recommended change from the 2004 CFP.

Public Health Significance:

Public health is not at risk by this definition change. This change will provide clarity of Food Code requirements regarding walk-in refrigerators that are part of the facility so that they are not viewed as separate EQUIPMENT that is subject to the floor drain restriction and that they will be applied only to EQUIPMENT other than walk-in refrigerators.

Recommended Solution: The Conference recommends...:

the Conference Chair send a letter to the FDA Commissioner requesting that Section 1- 201.10(B) Equipment definition on page 7 should be amended to read:

"(2) "Equipment" does not include walk-in refrigerators that are constructed as an integral part of the building or 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."

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 042
Issue: I-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.

Title:

Food Code Definitions for "Food Establishment" and "Food Processing Plant"

Issue you would like the Conference to consider:

As defined in Section 1-201.10 (B) of the 2005 Food Code (and previous editions), a business may not be both a Food Establishment and a Food Processing Plant. The Code states in part, in the definitions for these terms the following: **Food Establishment.** "(3) **Food Establishment** does not include:... (c) a FOOD PROCESSING PLANT;" and **Food Processing Plant.** "(2) **Food Processing Plant**" does not include a FOOD ESTABLISHMENT."

However, this assertion that the two types of food businesses must always be mutually exclusive is not true. There are many food businesses that simultaneously operate as both. Often both-type operations at the same location share many, if not most, of the same public health and food safety-related facilities and safeguards. For example, they often share the same systems for water, liquid wastes, solid wastes and insect and rodent control. They may also share the same employee dressing rooms, toilet facilities, and dry and refrigerated storage areas and facilities. As a result these physical locations may be inspected or issued a permit as both type operations by the same or different food regulatory agencies.

This reality has been codified in FDA regulation. For example, in clarifying the nature of the retail exemption, the Juice HACCP regulation [21 CFR 120.3 (I)] states in part, "Retail establishment does not include an establishment that sells or distributes juice to other business entities as well as directly to consumers"

Also acknowledging this reality, representatives of CFSAN's Office of Seafood (responsible for implementing Seafood HACCP regulations) suggested the following Food Code language to help convey an understanding.

"Some food businesses perform operations that serve to provide food directly to consumers as a food establishment as well as to other business entities as a food processing plant. Within such a business, those operations that serve only to provide food directly to consumers should be treated as food establishments and those operations that serve only to provide food to other business entities should be treated as a food processing plant. Those operations identified within the business as being shared by both the food establishment and food processing plant activities, e.g., refrigerated coolers, bathroom facilities, food trays, etc. should be treated as both a food establishment and a food processing plant."

Public Health Significance:

To define these two types of food businesses as mutually exclusive is not accurate. This may lead to confusion among food business operators and those entities responsible for providing government oversight. This proposed change addresses the reality that some food facilities are doing wholesale and retail operations simultaneously, and often have several aspects of their physical plant and operation that are subject to regulation under both food manufacturing GMP and Food Code provisions.

Recommended Solution: The Conference recommends...:

the following changes to the 2005 Food Code that will, 1) correct the existing errors that state a Food Establishment and a Food Processing Plant must always be mutually exclusive of each other, and 2) describe more clearly what each type business does.

New or amended language:

Section 1-201.10 (B)

Food Establishment.

(1) "**Food Establishment**"

Delete "vends, or otherwise provides food for human consumption:"

and,

Add "or vends food directly to consumers:"

So this provision would now read,

(1) "**Food Establishment**" means an operation that stores, prepares, packages, serves, or vends food directly to the consumer:

Then under section (3) where it reads

(3) "**Food Establishment**" does not include:

Delete "(c) A food processing plant;"

and

Re-letter the sub-paragraphs (d) through (g) that remain.

Food Processing Plant.

Delete entire subparagraph (2) which reads, "Food Processing Plant" does not include a food establishment." and, since the subparagraph (1) designation is no longer needed, the definition would now read:

"Food Processing Plant" means a commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food establishments.

Annex 3 - Public Health Reasons/Administrative Guidelines

Add to Annex 3 the following text:

1-201.10 (B) Definitions - Food Establishment and Food Processing Plant.

Some food businesses perform operations that provide food directly to consumers as a "Food Establishment," and also provide food to other business entities as a "Food Processing Plant."

Within such a business, those operations that serve only to provide food directly to consumers may be regulated as part of a food establishment inspection program, while those operations that serve only to provide food to other business entities may be regulated as part of a food processing plant inspection program.

Those facilities and functions identified within the business as being shared by both the food establishment and food processing plant operations, e.g., refrigeration units, dressing room and toilet facilities, food equipment, water and waste systems, pest control, etc., may be included in the inspection of both the food establishment operation and the food processing plant operation.

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Attachments:

- "Food Establishment Existing 2005 Food Code Definitions - Attachment A - fin"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 081
Issue: I-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.

Title:

Person in Charge (PIC) Designation During Non-Production Periods

Issue you would like the Conference to consider:

This PIC designation during non-production periods issue was presented as Issue 2004 I-013 under Council I at the 2004 CFP (see attached). It was accepted as amended by Council and approved by the delegates to request FDA resolve the issue through administrative process or brought back to the 2006 CFP as an Issue.

The FDA conceptually agreed with the recommendation by Council with approval of the delegates to resolve this, but no changes were made to the 2005 FC, Section 2-101.11 or the Public Health Reasons/Administrative Guidelines in Annex 3.

The 2004 issue expressed a valid need by the retail grocery industry to allow a designated PIC to take accountability for all store departments during those times that are no longer under regular operations, but are in non-production periods. There are several reasons behind this request, as follows:

- 1) The FDA Food Code in 2-101.11 requires a Person in Charge to be designated during all hours of operation. This requirement is well accepted by the industry and they have no concerns with the requirement for one PERSON IN CHARGE for one facility.
- 2) Some regulatory food agencies require a separate license for each store department as a FOOD ESTABLISHMENT and require that each department have a designated PERSON IN CHARGE even though it is under the same ownership of the larger facility, and even during periods of non-production. This places an unreasonable burden on the industry resources when departments are no longer in food production operation. Retail food store managers are well versed in addressing all store needs while they rotate throughout the store providing coverage of each department. This includes when certain departments are not in regular operation but very limited operations. Limited or non-production operations where a PIC may need to provide coverage in departments include dealing with the periodic customer issues, providing associate guidance, addressing operational problems as they arise, and directing corrective actions when necessary.

Public Health Significance:

Public health would not be affected since a designated PIC, trained to meet the intent of and comply with the Food Code would still be "on-site", in the store, during all hours of operation.

The position presented in the 2004 CFP and being presented in 2006 demonstrates that the acceptance of this recommendation by the CFP and FDA will allow the industry flexibility in coverage for those departments that are individually licensed as FOOD ESTABLISHMENTS and under the same ownership, during the non-production periods. This new PIC designation will improve uniformity of Food Code compliance in grocery stores that own and have individually licensed operations at one location and also allow stores to reasonably allocate labor while safeguarding public health.

Recommended Solution: The Conference recommends...:

that the Conference Chair send a letter to FDA recommending that Section 2-101.11 be amended as follows:

Except as specified in ¶ (B) of this section, the PERMIT HOLDER shall be the PERSON IN CHARGE or shall designate a PERSON IN CHARGE and shall ensure that a PERSON IN CHARGE is present in the Food Establishment;

(A) During all hours of operation, or

(B) When multiple FOOD ESTABLISHMENTS under the PERMIT HOLDER are located within one facility but individually licensed by the regulatory authority, the PERMIT HOLDER shall designate a PERSON IN CHARGE to be on-site and provide coverage to the FOOD ESTABLISHMENTS during periods of non-production.

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Attachments:

- "2004 PIC issue"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 015
Issue: I-004**

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

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Title:

Elimination Of Cardboard From Food Preparation Areas

Issue you would like the Conference to consider:

The presence of cardboard in food preparation and service areas poses a major vehicle for cross contamination and general filth. Cardboard is absorbent and cannot be washed. As a high carbon source, when combined with moisture at normal kitchen temperatures, it is a prime breeding ground for bacteria, roaches & other insects as well as a magnet for filth. Examples of daily cardboard usage in most commercial kitchens include:

1. Cutter boxes for plastic film and aluminum foil
2. Pop up dispensers for foil & wax sheets
3. Food handling glove boxes

The 2005 FDA Food Code, Chapter 1, Part 2, defines the dispensers and/or storage containers for these products as "Utensils" and "Single-use articles". Items such as plastic film/wrap and foil are defined as "single-use articles" as well. In particular, the cardboard cutter boxes for film and foil are constantly used as a piece of equipment on food contact surfaces and non-food contact surfaces. These boxes and most cardboard in kitchen and service areas are consistently exposed to splash and food debris. The liquid exposure includes raw chicken, fish and red meat juices, raw egg as well as sanitation chemicals.

The 2005 FDA Food Code, **Sections 4-101.11 // 4-101.17 // 4-101.19 //4-102.11// 4-201.11 // 4-202.11 // 4-202.16 // 4-601.11 // 4-602.11 // 4-602.13 // 4.903.11** - clearly state that food contact and non-food contact surfaces must be non absorbent and washable. In fact, film, foil, wax paper etc. are all used in direct contact with raw and cooked foods for storage, preparation and cooking purposes.

Since film, foil, wax paper, etc. are all single-use, food contact surfaces, their dispenser should be a washable, non-absorbent material, designed to minimize splash and exposure to food debris.

A laboratory study by Marin Biologic in Tiburon California has shown that E.Coli, Salmonella, Listeria and Shigella experienced a rapid growth when exposed to cardboard under normal kitchen environmental conditions. When exposed to plastic these pathogens adhered, did not grow and were effectively killed when washed. (See attached file)

Another study by the Food Development Centre in Canada, sampled random cardboard cutter boxes for film & foil, revealing up to 27 million Colony Forming Units per gram of general bacteria.

This is five times the amount of bacteria necessary to begin food spoilage. (See attached file)

All of the aforementioned products are continually transported around the kitchen, from cutting board to work table to shelves on a never-ending cycle on a day-to-day basis. The continuous exposure to moisture perpetuates bacterial growth. Produce and meat containers are consistently taken from floor to table. When cardboard is exposed to moisture, the integrity of the cardboard is compromised and immediate deterioration begins. The bottom of these boxes are placed directly on food contact surfaces and handled with bare hands. **The resulting exfoliation is dispersed on worktables, cutting boards, bare hands and food.**

The issue is further supported by the 2005 Food Code, **Section 4-101.17**, which clearly states: "The limited acceptance of the use of wood as a food-contact surface is determined by the nature of the food and the type of wood used. Moist foods may cause the wood surface to deteriorate and the surface may become difficult to clean. In addition, wood that is treated with preservatives may result in illness due to the migration of the preservative chemicals to the food; therefore, only specific preservatives are allowed." **Cardboard is much more absorbent than wood and is produced with chemicals.**

Public Health Significance:

Elimination of cardboard from food preparation and service areas will greatly reduce the risk of cross contamination and the transfer of general filth to consumer food products and prepared meals. The elimination of cardboard will also contribute to the overall goals of the HACCP program and the dedicated efforts of food safety and environmental health professionals. In light of the scientific facts presented, cardboard should be eliminated from food preparation areas.

Recommended Solution: The Conference recommends...:

The Conference should direct the Chair to send a letter to the FDA Commissioner to recognize cardboard as a **highly overlooked vehicle for cross contamination and general filth** and urge the following changes to the 2005 Food Code:

- (1) Create a new definition in Chapter 1, part 2: **Single-use food contact article**
 - (A) "**Single-use food contact articles**" include such items as plastic wrap/film, aluminum foil, wax paper, butcher and parchment paper, which normally come in contact with food.
- (2) Include cardboard as a food contact surface in Section **4-101.17** as follows:
Wood and Cardboard, Use Limitation.
 - (A) Except as specified in ¶¶ (B), (C), and (D) of this section, wood, wood wicker and **cardboard** may not be used as a FOOD-CONTACT SURFACE. *(B), (C) and (D) remain as written in the 2005 Food Code*
- (3) Create a new section in **Chapter 4, subpart 4- 204** for:
Dispensing Equipment and Utensils, Protection of Single-Use Food Contact Articles

In equipment and utensils that dispense Single-Use Food Contact articles such as Plastic film/wrap, Aluminum foil, Individual waxed paper and foil sheets, Parchment paper sheets and Food handling gloves:

- (A) Materials used for construction of dispensers and utensils shall be:
 - (1) Smooth, durable, CORROSION-RESISTANT, and nonabsorbent
 - (2) Designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

- (3) Free of breaks, open seams, cracks, chips, inclusions pits, and similar imperfections.
- (B) Dispensers shall be designed to protect enclosed articles from splash, migration of deleterious substances and spillage.
- (C) Finger access design shall allow no more than 2 inches of the leading edge of single-use articles.

(4) Amend Chapter 4, section 4-903.11, ¶ (C):

(C) SINGLE-SERVICE and SINGLE-USE ARTICLES shall be stored as specified under ¶ (A) of

this section and shall be kept in the original protective PACKAGE or stored by using other means that afford protection from contamination until used, ***except when the original package is specifically designed as a utensil to dispense single-use articles such as plastic wrap/film, aluminum foil and wax paper as specified under sections 4-102.11 and 4-201.11 (include new section as specified in item (3) of this document under Recommended Solution:)***

In summary, inexpensive NSF approved dispensers meeting these requirements are readily available for the cardboard cutter boxes for film and aluminum foil food handling gloves. Creation of new product solutions would not be difficult and inexpensive, therefore having little financial impact for foodservice operators.

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Attachments:

- "Example of cardboard used for study"
- "Bacteria Images from 1998 study"
- "Marin Biologic Study"
- "Food Development Study"
- "NSF Approved"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 036
Issue: I-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.

Title:

Delays in Interagency Communication Jeopardize the Health of the Public

Issue you would like the Conference to consider:

Protocols should be developed to facilitate communication between the various branches of the United States Department of Agriculture (USDA) and state departments of health and agriculture. These protocols must address communications and information sharing during emergencies such as foodborne illness outbreaks and investigations that may lead to product recalls.

Public Health Significance:

Delays in inter-agency communication during investigations that may lead to product recalls put the health of countless people at risk and costs hundreds of millions of dollars a year. For example, although a zero tolerance policy has been set for *E. coli* O157:H7, a study by Mead et al. estimates that *E. coli* O157:H7 causes more than 73,000 illnesses in the US every year.⁽¹⁾ A study conducted by Frenzen, et al. estimates the annual cost of illness caused by *E. coli* O157:H7 to be \$405 million. This estimate includes the cost of medical care, lost productivity and premature deaths, but it does not take into account pain and suffering, government and business expenditures in response to outbreaks and spending on research to prevent future infections.⁽²⁾

Because of delays in sharing information, state and federal regulatory authorities often must conduct concurrent but independent investigations into contaminated products to obtain information that could easily be shared between agencies responsible for the health of the public. This duplication of efforts delays the issuance of recall notices and stalls attempts to ensure that the product is no longer available to the public.

Current practices have hindered the efforts of New York State agencies in recent investigations. For example, audits of recalled products are often performed to ensure that all recalled product has been removed from store shelves. This is accomplished by obtaining the distribution list for the product from the food processing establishment and conducting site visits to the facilities that received it. If a state regulatory agency requests distribution lists from the USDA, the USDA does not make them available, citing confidentiality issues. If the USDA does agree to share the list with a state agency, that state agency is required to adhere to a memorandum of understanding prohibiting the agency from sharing the information with any other business or agency. This makes it impossible to contact businesses involved with the recall and may result in the public being unaware that they may possess an adulterated product.

Recommended Solution: The Conference recommends...:

that a letter be written to the USDA requesting that protocols be established for communication with the USDA during an investigation that may result in the recall of a product. These protocols should take into consideration communications from state regulatory authorities, laboratories, food processors and food service establishment operators. The Conference recommends that this open line of communication be accomplished by establishing points of contact, regularly updating and distributing contact lists and developing standardized patient questionnaires and reporting forms.

The Conference recommends that the protocols include methods for state regulatory authorities to obtain distribution lists for implicated products and that the appropriate authorities be allowed to follow up as necessary to ensure the health of the public is protected.

Items that the USDA may wish to require in this standardized communication packet may include articles such as a chain of custody, photographs of the product in question, lot numbers of the product, and the submission of laboratory results on a standardized form.

During illness or outbreak investigations and recalls, it is crucial that lines of communication be kept open to reduce any possible duplication of efforts and ensure the optimum protection of public health.

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Attachments:

- "Reference Notes Page for USDA Communication Issue"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 037
Issue: I-006**

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

All information above the line is for conference use only.

Title:

USDA Mandate Requiring Additional Food Safety Inspections at Schools

Issue you would like the Conference to consider:

Section 111 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265), effective July 1, 2005, amended the National School Lunch Act. In response, the United States Department of Agriculture (USDA) developed the interim regulation 7 CFR Parts 210 and 220, School Food Safety Inspections.

The amendment requires schools participating in the National School Lunch Program (NSLP) or the School Breakfast Program (SBP) to: 1) be inspected twice each year by the local health department (LHD); 2) post the most recent inspection report and make previous inspection reports available to the general public upon request; 3) implement a school food safety program that is compliant with a generic hazard analysis and critical control point (HACCP) plan developed by the USDA; and 4) be monitored by state education departments for compliance with the inspection requirement. The state education departments are required to report the results to the USDA on an annual basis; the first report is due November 15, 2006.

Public Health Significance:

Requiring additional inspections of all schools participating in the NSLP or SBP regardless of assessed risk is not the best method to protect the health of the public. While it is true that some schools may require two or more inspections to ensure foods are handled safely, some, such as small satellite lunch programs, may not. Performing a mandatory second annual inspection of all schools, regardless of risk, will divert valuable time and resources away from those school lunch programs that do require further oversight or assistance. Allowing regulatory agencies the flexibility to determine which school food service programs may require additional oversight and what type of oversight will best benefit those schools is crucial to the protection of public health. Performing a mandatory second inspection solely to meet the requirements of the mandate will divert funds and resources available for training-based field visits or annual classroom-type sessions for providing training to food service staff. Skills and knowledge gained by foodservice managers during training sessions and through the promotion of active managerial control last throughout the year and therefore have a greater positive impact on the school food service and public health than one additional inspection.

This mandate does not provide funding to meet the requirements of the regulation, and restricts the options that LHDs can use to help school lunch staff prepare and serve food safely.

In addition to performing the inspections, the agencies responsible for the oversight of the

inspection program will be responsible for the following administrative duties, which again will divert valuable time and resources from protecting the health of the public:

- If the agency chooses to impose a fee on the school to cover the cost of implementing the mandate, protocol for charging and collecting additional fees must be developed.
- If third party inspection reports are to be acceptable to the agencies responsible for the oversight of the program, the agencies must develop certification standards for the inspectors to meet and must ensure that the standards are met.
- Protocols for reporting the number of inspections must be developed and met. While the electronic reporting systems of some states may be capable of generating this type of report, other states have less sophisticated reporting systems and will not be able to meet this requirement without significant expenditure. There is also some question as to the usefulness of this nationwide report and what purpose it will serve the USDA

Recommended Solution: The Conference recommends...:

that a letter be written to the USDA prior to the June 16, 2006 deadline for public comment. This letter should urge the USDA to:

- Allow local agencies responsible for protecting the health of the public to continue assessing the risk of schools on a state by state basis, allowing for individual situations. This will allow local agencies to develop protocol, prioritize inspections and provide guidance and training on tools such as active managerial control to the schools that need it most.
- Allow individual schools to develop individual active managerial control plans instead of requiring that they comply with a generic "one size fits all" plan that may not be feasible for each facility and may not be the most effective way of ensuring food safety.
- Reconsider the reporting requirements since the usefulness of such a report weighed against the time and expense necessary to generate it is questionable.
- Provide funding to meet all requirements of the mandate.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 057
Issue: I-007**

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

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Title:

TCS Food Implementation Committee, Recommend acknowledgement of final report

Issue you would like the Conference to consider:

During the 2004 CFP, the TCS Food Implementation Committee was formed. The attached report is the culmination of that work. This issue presents the Committee's report with supporting documents (Committee Roster, Committee Survey and Guidance Document) and requests acknowledgement of it.

Section 1-201.10 definition for Potentially Hazardous Food in the FDA 2005 Model Food Code was amended to include (Time/Temperature Control for Safety Food) as part of the title in the new definition and includes the Interaction Tables which allow for the interaction of pH and a_w to determine whether time/temperature control for safety is necessary. The TCS Food Implementation Committee worked to complete their charge of providing guidance and identifying training needs for the implementation of the new definition.

Public Health Significance:

Food establishments are required to maintain certain foods at required temperatures unless the food item meets parameters that would prevent pathogenic microorganisms' growth or toxin formation. Currently the term "potentially hazardous food" does not provide clarity as to what parameters might be necessary to prevent such growth or formation. By changing the term "PHF" food and replacing with PHF/TTCS food, we clarify that "time" and "temperature" have a role in preventing growth and encourage the use of science based food safety principles and programs. Additionally, the new definition recognizes the "Hurdle Concept" which shows that the interaction of several factors at levels that alone, would not prevent or control growth, can prevent or control growth when used together.

Recommended Solution: The Conference recommends...:

that the report of the TCS Food Implementation Committee be acknowledged.

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Attachments:

- "CFP TCS Committee 2004-2006 Roster"
- "CFP TCS Committee Survey Summary"
- "CFP TCS Committee Final Report"
- "TCS Guidance Document"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 054
Issue: I-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.

Title:

Change PHF(TCS) Food to PHF (Time-Temp Control for Safety {TTCS} Food)

Issue you would like the Conference to consider:

Section 1-201.10 definition for potentially hazardous food in the FDA 2005 Model Food Code was amended to include (Time/Temperature Control for Safety Food) as part of the title of the definition. The CFP Committee for TCS Food Implementation (the Committee) recommends that the term "Time/Temperature Control for Safety Food (TCS)" be removed and replaced with "Time/Temperature Control for Safety Food (TTCS)".

Changing to Time/Temperature Control for Safety Food (TTCS Food) provides more clarity and information in the definition itself while providing additional information on the "why/how" the products should be handled for safety. The term TTCS food also helps eliminate confusion in terminology with the word "hazard" used in HACCP programs.

In a survey that was conducted by the Committee, 51% of the respondents favored changing from PHF/TCS food to TCS food to utilize the new name vs. the combination name. The primary reason as indicated by respondents was that it more accurately describes what safeguards are needed to keep food safe.

Public Health Significance:

Food establishments are required to maintain certain foods at required temperatures unless the food item meets parameters that would prevent pathogenic microorganism growth or toxin formation. Currently the term "potentially hazardous food" does not provide clarity as to what parameters might be necessary to prevent such growth or formation. By eliminating the term TCS Food and replacing with TTCS Food, this would clarify that "time" and "temperature" have a role in preventing growth and encourage the use of science based food safety principles and programs.

Recommended Solution: The Conference recommends...:

that the Conference Chair send a letter to the FDA Commissioner recommending the following changes to the 2005 FDA Model Food Code: Wherever the term potentially hazardous food/Time-Temperature Control for Safety Food is used, remove the term "TCS" and replace with "TTCS".

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**Conference for Food Protection
2006 Issue Form**

**Internal Number: 055
Issue: I-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.

Title:

Accepted Inoculation Study Protocols - TCS Food Implementation Committee

Issue you would like the Conference to consider:

The two pH and a_w Interaction Tables added to the definition of PHF (TCS Food) in the 2005 Food Code include a "Product Assessment" term. Product assessment usually requires inoculation studies, but FDA did not identify approved product assessment methods or protocols which would ensure good design and valid results. FDA should accept the recommendation of the IFT Report concerning inoculation protocols or identify methods or protocols which would be acceptable or approved.

Public Health Significance:

The design, implementation and evaluation of inoculation studies or challenge testing by an expert microbiologist play an important role in the validation of proposals declaring that a food does not require time-temperature control for safety. A protocol must be comprehensive enough to be used with any type of food, consider all factors that might have an impact on the results of the assessment and be widely accepted. The microbiological challenge testing becomes a part of the process validation to show that the proposed food can be safely held without time-temperature control.

Incomplete or inadequate protocols may result in foods being held without time-temperature control for safety when it should be required. This may then allow proliferation of pathogenic microorganisms to levels that cause foodborne illness in consumers of the food. Guidance from FDA on acceptable methods or protocols will enable the retail food industry to present options or alternatives to their Regulatory Authority with confidence that the results and conclusions are reliable and valid.

Recommended Solution: The Conference recommends...:

..that FDA identify one or more inoculation methods or protocols that can be used to conduct

Product Assessments as indicated in the pH and a_w Interaction Tables of the Food Code definition for PHF (TCS Food).

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 056
Issue: I-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.

Title:

Request for 2006-2008 TTCS Food Implementation Committee

Issue you would like the Conference to consider:

In the FDA 2005 Model Food Code, Section 1-201.10, the definition for Potentially Hazardous Food was amended to include the term "Time/Temperature Control for Safety Food" as part of the title. The CFP TCS Food Implementation Committee (the Committee) completed the requested charges. However, the Committee recognizes that additional work is necessary in the development of a model training program to meet the needs of regulators and industry personnel in the transition, application and implementation from PHF to TCS food.

The Committee would work with the FDA and ORA-U to create a model training program to address the needs identified in the Committee survey (see attached). Approximately 75% of the respondents identified moderate to extensive training would be necessary to successfully implement the new definition.

Public Health Significance:

Regulatory and industry personnel will be required to understand the new definition of TCS foods and its application in retail food establishments. Clarifying that "time" and "temperature" both have a role in preventing microbial growth and encouraging the use of food science principles represent a shift from the traditional application of determining whether a food is potentially hazardous. Training programs are necessary for the successful transition to the new definition to ensure industry compliance and consistent and accurate enforcement by regulators.

Recommended Solution: The Conference recommends...:

that a 2006-2008 TTCS Food Implementation Committee be created to continue to work with FDA and ORA-U to develop a model training program (course-in-a-box, on-line course, additional module for the Food Code course, etc.) to meet the needs of regulators and industry personnel in the transition, application and implementation from the term PHF to TTCS food.

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Attachments:

- "CFP TCS Committee Survey Results Summary"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 045
Issue: I-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.

Title:

Revise Definition of PHF/(Time/Temperature Control for Safety) in Food Code

Issue you would like the Conference to consider:

The 2005 Food Code revises the definition of potentially hazardous food so that it is now consistent with the December 31, 2001, IFT report "Evaluation and Definition of Potentially Hazardous Foods." The new definition allows for the interchangeable use of the terms potentially hazardous food (PHF) and time/temperature control for food safety (TCS). The term TCS is generally supported by the restaurant industry as an appropriate replacement for the term PHF. TCS reflects the use of time and temperature to control the safety of foods served in restaurants and will resonate more appropriately with operators.

However, the revised definition does not allow for reasonable and practical field application for determining which foods require temperature control for safety. While there are some general criteria for determining TCS/non-TCS foods in the form of charts in the definition and a decision tree in the annex, it is unreasonable to believe that foodservice operators and regulators will be able to uniformly determine TCS foods based solely on the information provided in the definition and the Code's annexes.

Furthermore, protocols must be developed to assist with implementation of the new definition. The code does not specify who is able to determine what foods are TCS/non-TCS. It must be clear if the burden falls to the regulator, the operator or a combination of the two. For example, can a restaurant operator send a questionable product to an independent laboratory for testing to determine if it is in fact TCS? If so, will laboratory results be sufficient information for regulators to verify the determination. Without well established compliance protocols in place for both operators and regulators, it is premature to strictly enforce the code's definition of TCS.

Public Health Significance:

Foods that require time/temperature control for food safety or PHF's must be easily identifiable to both foodservice operators and regulators. It is critically important that these foods are handled safely to prevent a foodborne illness outbreak.

Recommended Solution: The Conference recommends...:

that to ensure uniformity of application, the FDA use the current criteria available for TCS/non-TCS determination and develops a list documenting the status of most foods. In addition, the FDA should establish clearly defined protocols for regulatory compliance in the field and develop training materials for regulators and industry that are consistent with the protocols. The definition should not be used until the list, protocol development and training are complete.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 073
Issue: I-012**

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

All information above the line is for conference use only.

Title:

Time/Temperature Control for Safety (TCS) Definition Change

Issue you would like the Conference to consider:

Product safety history is an important criteria that should be included in the definition of PHF/TCS in § 1-201.10(B), page 14 of the 2005 FDA Food Code. Using the new definition, some food items that could be classified as needing temperature control for safety (TCS) or product assessment have a safe history of use. Foods such as whole fruits and vegetables, breads, bottled water, some natural and pasteurized processed cheeses, and fermented sausages have pH and water activity values that may classify them as needing temperature control or product assessment, without giving consideration to their product safety history. The product's safety history must be used in combination with valid scientific rational to verify whether a food needs temperature control for safety or product assessment. Recognition of the use of product safety history under the PHF/TCS definition is already established in the 2005 Food Code under Annex 3, page 308.

Applying the new definition of PHF/TCS may require a product assessment (PA) for those foods not meeting the criteria for TCS or non-TCS. Both industry and regulatory agencies need a protocol and methodology for determining whether a product identified as needing product assessment, requires temperature control for safety. When considering a product assessment, intrinsic and extrinsic factors, including product safety history, should all be evaluated. If a product assessment requires a microbiological challenge test, acceptable protocols and methodology must be available. This information is not currently referenced in the Code.

FDA should be the lead agency in identifying common food commodities that have a history of being safe without temperature control. They should also assist state health agencies in evaluating product assessments and making determinations of PHF/TCS foods. This would ensure uniformity and consistency.

Public Health Significance:

Acceptable methods and protocols to evaluate a food needing a product assessment will enable both industry and regulatory food agencies to consistently and accurately classify products according to the PHF/TCS definition. The IFT Report, "Evaluation and Definition of Potentially Hazardous Foods", is one source that provides this information. FDA should identify acceptable methods and protocols for conducting a product assessment, including but not limited to,

information contained in the IFT Report.

Adding a new definition of PHF/TCS to the 2005 Food Code, without recognizing product safety history or clearly specifying criteria for a product assessment, will result in confusion by both industry and regulatory authorities. Without these additions, there is not a clear-cut standardized scientific method to determine whether foods need temperature control for safety.

Recommended Solution: The Conference recommends...:

The Conference Chair send a letter to the FDA recommending that the FDA be the lead agency in identifying common food commodities that have a history of being safe without temperature control. The Conference Chair should also recommend to the FDA the following changes to the 2005 FDA Food Code:

Section 1-201.10 (B) Potentially Hazardous Foods (Time/Temperature Control for Safety) (3):

Change existing sub-section (d) and its text to a new section (e).

Add new language to new sub-section (d). "A food that has a substantial and extensive history of safe use without time/temperature controls, and there is valid scientific rationale that supports its safe use."

To the new sub-sub-Section (e) add a new (iv) "If a product assessment determines that a microbiological challenge study is needed to verify whether a food needs temperature control for safety, a number of factors must be considered; the selection of appropriate pathogens or surrogates, the level of challenge inoculum, the inoculum preparation and method, duration of the study, formulation factors and storage conditions, sample analysis, and pass fail/ criteria. More information on protocols for challenge studies can be found in the IFT Report, "Evaluation and Definition of Potentially Hazardous Foods" at <http://www.cfsan.fda.gov/~comm/ift4-toc.html>.

Change existing Section (e) to a new section (f) and within new section (f) 2nd line, change it to read "(3) (a) to (3) (e)".

The attachment shows these changes in a strikeout format for the text in the 2005 FDA Food Code.

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Attachments:

- "1-27-06 Cross-Out--Underline Sheet of Changes.doc"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 074
Issue: I-013**

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

All information above the line is for conference use only.

Title:

Implementation of the PHF/TCS

Issue you would like the Conference to consider:

The 2005 FDA Food Code in §1-201.10, page 14 introduced Potentially Hazardous Food/Time/Temperature Control for Safety Food (PHF/TCS) as a new definition for potentially hazardous food (PHF). This was based on prior CFP recommendations regarding difficulties with the term "PHF" and its definition. FDA contracted with IFT to evaluate the Food Code definition of PHF and propose a new framework to determine which foods need time/temperature control for safety. IFT completed their report to the FDA and it is available at <http://cfsan.fda.gov/~comm/ift4-9.html> as a reference to this issue. The IFT panel in their report recognized that, "**&the implementation** of its approach in the field may not be an easy task" and "also [the report] did not address the implications of the framework at the retail level." It further stated that, "**&** although some of the considerations introduced in the proposed framework require careful evaluation and assessment by an expert microbiologist, the report does not attempt to propose who would be responsible for deciding the time/temperature status of a food."

The 2004 CFP created a "CFP TCS Food Implementation Committee" to assist FDA in revision of the PHF definition based on the IFT report findings. This committee is expected to present their final report to the 2006 CFP. This committee was instrumental in providing FDA a decision tree that was incorporated into the 2005 FDA Food Code. They further conducted a survey sent to various regulatory jurisdictions, industry trade groups, **CFP list serve**, etc., to obtain general feedback on acceptance of the new definition, training needs, clarity of the decision tree and ease of implementing the TCS concept. The results of the survey clearly show that both industry and regulatory food agencies recognize that neither are prepared to fully implement this change without, (1) specific training before implementation, (2) established protocols for product assessment and (3) guidance for how the process is to be accomplished. According to the survey, 32% of respondents indicated the decision tree is not practical or easy to use; 44% are not sure if they will incorporate the new definition into their regulations; and 74% indicated they would need moderate to extensive training prior to implementation. The food industry's and regulator's knowledge and understanding of the application of PHF/TCS varies widely. Some may have the resources today to apply the PHF/TCS concept, and perhaps already have, while others may not be aware of the change. Without further resources, guidance and training on one of the most complex and significant changes to the FDA Food Code, a balanced and equitable approach to implementation and enforcement is unlikely.

Public Health Significance:

Changing over to the new definition and procedures for implementing the PHF/TCS provisions of the Food Code will require a gradual approach and needs to provide a period of adjustment. The Committee survey indicates that there is strong support for a science-based approach for determining the TCS or non-TCS status of food items, but also that there is a need for a smooth transition and implementation phase. The introduction and full implementation of PHF/TCS will be disruptive to both industry and regulatory if a "turn on the light switch" approach is taken. This is especially true in those jurisdictions that move quickly to adopt the 2005 Food Code. Requiring full implementation of the new PHF/TCS definition could become a deterrent to adoption of the 2005 Food Code if flexibility in enforcement is not provided as already expressed in the TCS committee survey. Those who have the ability to use the TCS concept should be encouraged to do so. However, there is still much to be done before all of industry and regulatory can comply. Several examples of items that still need to be addressed are:

- Provide an easy to understand, detailed protocol for determining TCS/non-TCS
- Define "expert" microbiologist in the context of use within this new TCS definition
- Identify approving authorities
- Identify a point of contact for questions, interpretations, clarification and dispute resolution
- Develop a clear strategy that includes a step-by-step process for implementation
- Consider labeling issues and provide guidance

Recommended Solution: The Conference recommends...:

that a 2006-2008 PHF/TCS Committee be created and charged to work with FDA on a full and smooth implementation plan for PHF/TCS. This work should include as a minimum:

- Finalize the guidance documents necessary for implementing the new PHF/TCS concept.
- Develop a comprehensive question and answer document based on feedback from the industry and regulators as they move forward with implementation.
- Develop and deliver training for industry and regulators.
- Establish an infrastructure for decision making and management.

FDA should encourage regulators to delay implementation and enforcement of the new definition until the necessary tools and infrastructure are available. Further, FDA should encourage the immediate use and application of PHF/TCS by those who are ready to implement the new definition.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 058
Issue: I-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.

Title:

Plan Review Committee Report

Issue you would like the Conference to consider:

Final Report covering the activities of the 2004-2006 Plan Review Committee activities.

Public Health Significance:

Plan Review issues related to floor drains in refrigerated rooms, to the location of handwashing sinks, and mobile vending operations were reviewed and revised by the Plan Review Committee of the CFP. Please see attached report.

Recommended Solution: The Conference recommends...:
that the Plan Review Committee report be accepted.

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Attachments:

- "Plan Review Committee Report"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 060
Issue: I-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.

Title:

Conveniently Located Handwashing Sinks

Issue you would like the Conference to consider:

Resolving 2002 CFP issue #2002-I-13 to clarify "convenient use" regarding the location and placement of handwash sinks.

Public Health Significance:

Hands are probably the most common vehicle for the transmission of pathogens to foods in an establishment. Hands can become soiled with a variety of contaminants during routine operations. Employees must have access to handwashing sinks conveniently accessible from all food employee work areas and use them after any activity which may result in contamination of the hands. Handwashing sinks which are improperly located may be unavailable for regular employee use. Nothing must block the approach to a handwashing sink thereby discouraging its use, and the sink must be kept clean and well stocked with soap and sanitary towels to encourage frequent use.

Handwashing sinks must be accessible by food employees who are preparing food, dispensing food, and are washing equipment and utensils so that food employees can wash their hands in accordance with Section 2-301.14 (When to Wash) of the Food Code.

Recommended Solution: The Conference recommends...:

the 2005 FDA Food Code Section 5-204.11 Handwashing Sinks be changed as follows:

A handwashing sink shall be located:

(A) To allow convenient use by employees **WHO WORK** in food preparation, food dispensing, and warewashing areas; and

(B) In, or immediately adjacent to, toilet rooms.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 061
Issue: I-016**

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

All information above the line is for conference use only.

Title:

Handwashing Sinks-Location & Placement--Public Health Reasons

Issue you would like the Conference to consider:

Revisions to the Public Health Reasons for Section 5-204.11, Location and Placement of Handwashing Sinks.

Public Health Significance:

The existing language in the Public Health Reasons for Section 5-204.11, Location and Placement of Handwashing Sinks, offers a statement that too strongly suggests that handwashing sinks be located everywhere there is a food worker. The language in the Public Health Reasons indicates that the handwashing sinks be in a food worker's "immediate work area". Handwashing sinks should be used when a food worker's hands become contaminated. The handwashing sinks must be available to food employees who are working in food preparation, food dispensing, and warewashing areas. A handwashing sink that is located between these areas may be acceptable as could a centrally located handwashing sink in a small kitchen where all of these activities occur within steps of each other.

Recommended Solution: The Conference recommends...:

Section 5-204.11, Handwashing sinks, Location and Placement in Annex 3 Public Health Reasons/Administrative Guidelines in the Food Code be changed to:

5-204.11 Handwashing Sink.*

Hands are probably the most common vehicle for the transmission of pathogens to foods in an establishment. Hands can become soiled with a variety of contaminants during routine operations. ~~Some employees are unlikely to wash their hands unless properly equipped handwashing facilities are accessible in the immediate work area.~~ **Employees must have access to handwashing sinks conveniently accessible from all food employee work areas and use them after any activity which may result in contamination of the hands.** Handwashing sinks which are improperly located may be blocked by portable equipment or stacked full of soiled utensils and other items, rendering the sink unavailable for regular employee use. Nothing must block the approach to a handwashing sink thereby discouraging its use, and the sink must be kept clean and well stocked with soap and sanitary towels to encourage frequent use.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 062
Issue: I-017**

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

Delegate Action: Accepted _____ Rejected _____

All information above the line is for conference use only.

Title:

Recommended Guidance for the Operation of Mobile Food Establishments (MFEs)

Issue you would like the Conference to consider:

Attached is the Recommended Guidance for Mobile Food Establishments to be reviewed, finalized, and accepted.

Public Health Significance:

Mobile Food Establishments operate throughout the country with little or no specific guidance from the Food Code for these types of itinerant food operations. MFEs offer many types of potentially hazardous/time-temperature controlled for safety foods that must be safely prepared, transported, and served. The related structures and facilities of the MFEs must be able to handle the types of food offered.

The operational and construction considerations set forth in the Recommended Guidance for Mobile Food Establishments clarify applicable parts of the Food Code and serve as further guidance for regulatory and industry personnel.

Recommended Solution: The Conference recommends...:

that the Recommended Guidance For Mobile Food Establishments 2006 be accepted and added to the FDA Food Code annex.

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Attachments:

- "MV Matrix"
- "MV Guidance Document"
- "MV checklist"
- "MV appendix"
- "MV Application"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 063
Issue: I-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.

Title:

Floor Drains in Refrigerated Spaces that are Integral to the Building

Issue you would like the Conference to consider:

A revision to the definition of "Equipment" to ***not include*** refrigerated spaces that are an integral part of the building structure.

Public Health Significance:

Sections 5-402.11 of the FDA Food Code and the Public Health Reasons were changed in 2005 to allow a direct connection between the sewage system and floor drains that originate in refrigerated spaces that are constructed as an integral part of the building structure as follows:

5-402.11 Backflow Prevention

(A) Except as specified in (B), (C), and (D) of this section, a direct connection may not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils area placed.

(B) Paragraph (A) of this section does not apply to floor drains that originate in refrigerated spaces that are constructed as an integral part of the building.

Public Health Reasons 5-402.11

The exception in (B) allows for a direct connection to a sanitary sewer system for floor drains originating in refrigerated spaces that are constructed as an integral part of the building structure. Examples of refrigerated spaces that are considered an integral part of the building include refrigerated prep rooms, meat cutting rooms, and refrigerated storage rooms. The exception specifically targets refrigeration spaces that are considered an integral part of the building. It does not apply to prefabricated walk-in refrigerators and freezers with prefabricated floors. It is not intended to apply to pieces of equipment, including those which indirectly drain to a floor drain within the room. Drainage from equipment is addressed under 5-402.11(A).

Recommended Solution: The Conference recommends...:

The following be added to the definition of "Equipment":

(28) (c) "Equipment" does not include refrigerated spaces that are constructed as an integral part of the building.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 059
Issue: I-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.

Title:

Creation of 2006-2008 Plan Review Committee

Issue you would like the Conference to consider:

Creating a 2006-2008 CFP Plan Review Committee.

Public Health Significance:

The original guidance documents created by the CFP Plan Review Committee need to be kept current. Revisions and updates need to be considered for the Plan Review Guide for Food Establishments, the Temporary Food Establishment Guidance Document, and the Recommended Guideline for Permanent Outdoor Cooking Operations. As updates are made to the Food Code, these documents should be updated as well.

Recommended Solution: The Conference recommends...:

a 2006-2008 CFP Plan Review Committee be created so that the existing plan review guidance documents can be updated.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 041
Issue: I-020**

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

All information above the line is for conference use only.

Title:

Restroom Doors

Issue you would like the Conference to consider:

Restroom doors in food establishments should be designed so that after one has washed their hands, exit is possible without touching a surface.

Public Health Significance:

- Food borne illnesses, colds, flus, Norwalk viruses and other infections can be transmitted by contact with a contaminated surface such as a door handle. Some organisms such as Norwalk virus are capable of surviving on surfaces for an extended period of time.
- A 2005 observational study commissioned by the American Society of Microbiology and Soap and Detergent Association found 17% of American adults do not wash their hands in public rest rooms.
- Observations by FDA personnel at more than 900 food operations in 2003 showed failures to comply with handwashing guidelines in 73% of full service restaurants and 34% of hospitals. In the personnel hygiene category, inadequate handwashing was the most common specific problem in all nine types of facilities where observations were made.
- According to Kimberly-Clark over 55% of the people surveyed feared door handles in public restrooms.

Recommended Solution: The Conference recommends...:

changing section 6-402.11 of the Food Code to add:

Toilet room doors must either open outward or otherwise provide some means of exit without having to touch a surface with the bare hands.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 077
Issue: I-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.

Title:

Single Plumbing Code

Issue you would like the Conference to consider:

The retail food store industry needs the CFP Plan Review Committee to continue their investigation and pursuit of a single plumbing code to regulate all retail food establishments in the United States.

As many retailers own multi-units that cross jurisdictional boundaries, they are regularly faced with a variety of plumbing requirements due to different plumbing codes being adopted in different jurisdictions. This causes confusion, frustration, and productivity delays in the industry as they attempt to comply with the wide variety of requirements across jurisdictions.

The CFP Plan Review Committee has investigated the possibility of recommending a single plumbing code that would promote national uniformity for all industry. Through this issue, the retail industry requests that the Plan Review Committee continue their investigation of bringing all plumbing codes together into a single set of requirements.

Public Health Significance:

The public health significance from implementation of this recommendation would be mostly positive as both industry and regulators could agree on what requirements should be adopted, which would promote national uniformity, reduce confusion, and enhance the efficiency of application of plumbing requirements to the benefit of all constituents.

Recommended Solution: The Conference recommends...:

that a 2006-2008 CFP Plan Review Committee be created to continue the pursuit of a single, national plumbing code that can be incorporated into the Food Code for adoption by all regulatory food agencies.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 003
Issue: I-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.

Title:

Alternate Final Sanitizing Rinse Pressures (mechanical warewashing)

Issue you would like the Conference to consider:

Presently commercial dishwashers with a fresh water sanitizing rinse are required by the FDA FOOD CODE and NSF standard 3 to have a final rinse pressure of 15 to 25 PSI. NSF Standard 3 requires sanitization testing to be performed at 20 PSI. These "fixed" numbers are a carry-over from the days when dishwashers were Certified based on design specifications rather than a performance criteria. Since a hot water sanitizing dishwasher must meet the 3600 Heat Unit Equivalent (HUE) level in a worst case condition, the final rinse pressure should be able to fluctuate outside this range. The important factor is that the machine must pass the NSF standard 3 3600 HUE test in the worst case condition of the pressure reading. If the nameplate requires 5 to 30 PSI, the NSF HUE test must also pass at 5 to 30 PSI.

A request should also be made to revise NSF International Standard 3 accordingly.

Public Health Significance:

This issue is needed since the current Code does not allow any variation in the final rinse pressure outside the range of 15 to 25 psi.

There is no public health significance if NSF standard 3 is revised to require that machines with final fresh water rinse pressure outside the range of 15 to 25 psi be tested for 3600 HUE's at the pressures identified on the machine data plate.

Recommended Solution: The Conference recommends...:

The Conference recommends that the following modifications be made in the FDA Food Code.

2005 Food Code

4-203.13 - "Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse shall have increments of 7 kilopascals (1 pounds per square inch) or smaller and shall be accurate to ± 14 kilopascals (± 2 pounds per square inch) in the ~~100-170 kilopascals (15-25 pounds per square inch)~~ use range indicated on the machine data plate."

4-501.113 - "The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine may not be less than ~~100 kilopascals (15 pounds per square inch)~~ the minimum pressure marked on the machine data plate nor more than ~~170 kilopascals (25 pounds per square inch)~~ the maximum pressure marked on the data plate as measured in the water line immediately

downstream or upstream from the fresh hot water sanitizing rinse control valve." In any case, the minimum marked pressure gauge reading shall not be less than 35 kilopascals (5 pounds per square inch) nor more than 200 kilopascals (30 pounds per square inch).

The Conference also recommends that a request be sent to NSF International to update Standard 3 in accordance with this modification.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 095
Issue: I-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.

Title:

Warewashing requirements

Issue you would like the Conference to consider:

When mechanical warewashing is the primary method used, should a 3-compartment sink also be required? In the past, many state food codes required either a 3-compartment or a 2-compartment sink to be installed in conjunction with, and in some cases as a back up to, a mechanical dishwasher.

The 2005 Food Code is not clear on this issue and informal surveys of several states showed a variety of responses on how they interpret the Food Code.

For manual warewashing, the 2005 Food Code is very clear: "4-301.12 (A) Except as specified in ¶ (C) of this section, a sink with at least 3 compartments *shall* be provided for manually washing, rinsing, and sanitizing equipment and utensils."

In several sections in Chapter 4, the Food Code requires mechanical dishwashers to be operated as required by the manufacturer's instructions and gives requirements when either manual or mechanical warewashing is used. However, no reference is made in the Food Code about the need or requirement for having warewashing sinks if mechanical warewashing is used in a food establishment.

Public Health Significance:

The public health significance of this issue, if any, is whether a food establishment should be required to have an emergency back up set of sinks if a mechanical dishwasher is primarily used for warewashing. If a dishwasher becomes inoperable for whatever reason, the establishment with a set of sinks will be able to operate without interruption and the establishment without the sinks would have to limit operations, if not close down, until the machine is repaired.

This seems to be of more practical significance than public health significance. Each permit holder using mechanical warewashing should be able to decide on his/her own whether the benefits of having back up sinks outweighs the cost, devotion of space and risk of not having an emergency back up system.

Recommended Solution: The Conference recommends...:

the Food Code be amended to make it clear that ***either*** mechanical warewashing or manual warewashing equipment is required in a new food establishment, but not both. Section 4-301.12 should be amended to add a paragraph (F) to read: (F) Manual warewashing sinks are not required if mechanical warewashing equipment is used and the equipment is large enough for washing, rinsing and SANITIZING the largest EQUIPMENT and UTENSILS.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 091
Issue: I-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.

Title:

Confirming Parasite Destruction Requirements

Issue you would like the Conference to consider:

The 2005 FDA Food Code refers to two separate requirements for the service of raw or undercooked fish: 1) a consumer advisory (3-603.11); and 2) parasite destruction via freezing (3-402.11), with several listed exceptions. Both of these sections are marked as "critical" importance in the code.

FDA provided a recent interpretation to the Food Code that a consumer advisory is required whether raw or undercooked fish has undergone parasite destruction or not. The reason was that section 3-601.11 covers all foods that are "not otherwise processed to eliminate pathogens," and that parasites are a pathogen of concern.

Although this may not be the intent of the code, this interpretation tends to weaken the requirement for parasite destruction in section 3-402.11.

If parasite destruction is desired, then a specific consumer advisory should be required if parasite destruction is not followed.

Public Health Significance:

As stated in Annex 3 in the Food Code, fish from natural bodies of water may carry parasitic worms that can infect and injure consumers who eat certain raw or undercooked fish. Thorough freezing kills these worms if the fish are subjected to a low enough temperature for a long enough time. The parasite destruction requirement has been in the Food Code since 1993.

Recommended Solution: The Conference recommends...:

the consumer advisory required in 2005 FDA Food Code section 3-603.11 requires disclosure if raw, raw-marinated, partially cooked or marinated-partially cooked fish does not meet the parasite destruction requirements of section 3-402.11.

A sentence should be added to Paragraph 3-603.11(A) which reads: (A) Except as specified in ¶ 3-401.11(C) and Subparagraph 3-401.11(D)(3) and under ¶ 3-801.11(D), if an animal FOOD such as beef, EGGS, FISH, lamb, milk, pork, POULTRY, or shellfish is served or sold raw, undercooked, or

without otherwise being processed to eliminate pathogens, either in READY-TO-EAT form or as an ingredient in another READY-TO-EAT FOOD, the PERMIT HOLDER shall inform CONSUMERS of the significantly increased RISK of consuming such FOODS by way of a DISCLOSURE and REMINDER, as specified in ¶¶ (B) and (C) of this section using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective means. In addition, if raw, raw-marinated, partially cooked or marinated-partially cooked fish does not meet the requirements of paragraph 3.402.11, the permit holder shall specifically inform consumers that the fish has not been frozen for parasite control.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 111
Issue: 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.

Title:

2004-2006 Food Recovery Committee Report - membership list

Issue you would like the Conference to consider:

The Food Recovery Document has been reviewed by the Committee and updated based on developments in food safety, updates to the Food Code, and changes since the original document.

Public Health Significance:

The Food Recovery Document needs to be reviewed to add and enhance the document because of developments in food safety and updates to the Food Code.

Recommended Solution: The Conference recommends...:

acknowledging the work of the Food Recovery Committee.

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Attachments:

- "2004-2006 Food Recovery Committee Membership list"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 104
Issue: I-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.

Title:

Food Recovery Committee Report Updates

Issue you would like the Conference to consider:

Accept updated Food Recovery Guidelines based on revisions recommended by FDA and the Committee Members. A copy of the edited Guideline is attached.

Public Health Significance:

The Food Recovery Guideline needs to be reviewed to add and enhance the document because of developments in food safety and updates to the Food Code.

Recommended Solution: The Conference recommends...:

accepting the modifications to the Food Recovery Guidelines.

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Attachments:

- "2004-2006 Food Recovery Committee Guideline"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 067
Issue: I-027**

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

All information above the line is for conference use only.

Title:

Modification of Shellstock Maintenance Identification Requirements

Issue you would like the Conference to consider:

1. FDA Food Code Section 3-203.12 (B) requires shellstock tags or labels to be retained for 90 days from the dates of harvest. Requiring the tags to be retained 90 days from the dates of harvest is not consistent with the National Shellfish Sanitation Program (NSSP) Model Ordinance chapter X .05(i).
2. Section 3-203.12 (C) requires an approved record keeping system be used to keep tags or labels in chronological order correlated to the date when, or dates during which the shellstock are sold or served. The chronological order of shellstock tags does not necessarily correlate with the date shellstock is sold or served. Requiring the date opened and date sold or served to be indicated on the shellfish tags is a more direct method of collecting this information.

Public Health Significance:

1. It is important for regulatory agencies to be as consistent as possible with regard to regulations. The NSSP Model Ordinance chapter X .05 (i) does not use the words "from the dates of harvest". The Model Ordinance states "This tag is required to be attached until container is empty or is retagged and **thereafter** kept on file for 90 days."
2. Conducting effective foodborne illness outbreak tracebacks associated with shellstock is crucial. Being able to pinpoint the actual shellstock sold or served on a particular day would assist an investigator in correlating the date of consumption of suspect shellfish with the actual shellfish sold or served. This information in turn would be invaluable in determining the harvest location of the associated shellfish. When the harvest area is not identified, shellstock harvesting may continue in an area that may not be safe, leading to more illnesses.

Recommended Solution: The Conference recommends...:

1. The Conference Chair send a letter to the FDA Commissioner to urge the following changes to the Food Code: Add a new paragraph to Section 3-203.12 of the Food Code and reorganize this paragraph so that it states:

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

(B) The date when the SHELLSTOCK container is opened for use and the date when the last SHELLSTOCK from the container is sold or served shall be recorded on the tag.

~~(B)~~ (C) The identity of the source of SHELLSTOCK that are sold or served shall be maintained by retaining SHELLSTOCK tags or labels for 90 calendar days from the date of harvest the container is emptied.

2. The Conference Chair send a letter to the FDA Commissioner urging the Commissioner to submit a proposal to the ISSC requiring a place be provided on the shellstock tag for "date opened" and "date finished".

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 082
Issue: I-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.

Title:

Tagging and Labeling of Shellfish

Issue you would like the Conference to consider:

Modification of the Food Code to make Section 3-202.17, Shucked Shellfish, Packaging and Identification, consistent with the language of the NSSP model ordinance.

Public Health Significance:

The recommended changes will make the Food Code consistent with the language of the NSSP model ordinance.

Recommended Solution: The Conference recommends...:

Modification of the Food Code to make the Food Code consistent with the language of the NSSP model ordinance as follows:

3-202.17 Shucked Shellfish, Packaging and Identification.

(A) Raw SHUCKED SHELLFISH shall be obtained in nonreturnable packages which bear a legible label that identifies the:

(1) Name, address, and CERTIFICATION NUMBER of the shucker, packer or repacker of the MOLLUSCAN SHELLFISH; and

(2) The "sell by" or "Best If Used By" date for packages with a capacity of less than 1.89 L (one-half gallon) or the date shucked for packages with a capacity of 1.89 L (one-half gallon) or more.

(B) A package of raw SHUCKED SHELLFISH that does not bear a label or which bears a label which does not contain all the information as specified under ¶ (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) Molluscan shellfish.

3-202.18 Shellstock Identification.*

(A) SHELLSTOCK shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester ~~and each or~~ dealer that depurates, ships, or reships the SHELLSTOCK, as specified in the National Shellfish Sanitation

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 046
Issue: I-029**

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

Delegate Action: Accepted _____ Rejected _____

All information above the line is for conference use only.

Title:

Changing "Critical" and "Non-Critical" Designations of Food Code Provisions

Issue you would like the Conference to consider:

The 2004 Conference for Food Protection made the following recommendation "that FDA move forward with updating the Food Code usage and application of the term "Critical Item." The Conference further recommended that FDA:

1. remove the term "critical item" from the Food Code and replace it with a more appropriate term or terms;
2. redesignate Food Code provisions in terms of their relationship to the risk factors most likely to contribute to foodborne illness and the public health interventions and good retail practices that result in safer food and protect the consumer; and
3. work with all stakeholders and the Conference for Food Protection on draft proposals and submit as an issue at the 2006 Conference for Food Protection."

Although considerable work has been done, the FDA Criticality Work Group has not fully completed this charge. The work group is providing a status report with a request to CFP to charge FDA to continue consulting with all stakeholders including a CFP committee and submit a completed proposal to the 2008 Conference for Food Protection.

Public Health Significance:

Since earlier attempts to redefine the term "Critical Item" and redesignate the Food Code provisions were not successful, the FDA Criticality Work Group was determined to proceed in a way that would be clear and defensible to all stakeholders. The following criteria were used to develop the redesignation process.

- Be transparent - the process, definitions and references in the decision making process would be openly available.

- Be credible and defensible - the process must be closely related to the prevention of foodborne illness and be connected to the HACCP concept.
- Be based on good science - there must be an understanding of the hazard, the mechanism of action, the level of risk and any epidemiological findings.
- Be replicable - the process must be as objective as possible, accurate and unbiased so a wide range of individuals can understand and apply the terms in the same way.
- Be internally consistent within the Food Code and with parallel documents - the work group calibrated its thinking to promote a uniform interpretation of the terms and process.
- Be shared with all stakeholders for open discussion and input into the process.

Working definitions were next drafted to replace the terms "Critical Item" and "Non-Critical Item" in the Food Code designation of provisions. At this time, these proposed definitions include:

"Priority Item" means an item in the code whose application contributes to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury." In making a determination of a Priority Item, the FDA work group is considering whether a provision has a measurable critical limit associated with it for control of the hazard and if there are other provisions in the Food Code that more directly controls the hazard(s), it is likely not a priority item. Examples include cooking, cooling, refrigeration.

"Priority Foundation" means an item in the code whose application supports, facilitates or enables the active managerial control of one or more priority items. Examples include necessary equipment such as handsinks, documentation to execute a priority item, labeling.

"Core Item" means all provisions of the Code that are not Priority or Priority Foundation Items such as but not limited to items that relate to general sanitation, operational controls, facilities or structures, equipment design, etc.

The process for evaluating the provisions of the Food Code for criticality is based on a qualitative risk assessment using risk ranking and the new definitions developed for this purpose. A risk assessment is a tool to figure the likelihood and severity of an adverse event (foodborne illness). Criteria used in the risk assessment process included contributing factors (from CDC's Investigations of Foodborne Illness Outbreaks form), characteristics of the identified hazard, severity of the resulting illness, and size and/or number of outbreaks.

The information collected and used during the risk analysis, including the hazard(s) identified, ranking of criteria in the risk assessment, contributing factors identified in epidemiological investigations, science-based evidence, references, cost-benefit considerations, etc. was recorded

in an Excel Spreadsheet to document the decision making process. A copy of the spreadsheet is attached.

The Criticality Work Group has already shared the working definitions and risk assessment process with the 2004-2006 CFP Date Marking as a Critical Item Committee for comment as interested stakeholders and also completed the first round of reviews on each Food Code Provision. Fine tuning, updating to the 2005 Food Code, additional research/references to identify, and a wider review by all stakeholders is still necessary before the completed proposal can be submitted to CFP.

Recommended Solution: The Conference recommends...:

That the FDA continue the charge issued by the 2004 CFP (2004-I-011) to completion and:

1. Remove the term "critical item" from the Food Code and replace it with a more appropriate term or terms;
2. Redesignate Food Code provisions in terms of their relationship to the risk factors most likely to contribute to foodborne illness and the public health interventions and good retail practices that result in safer food and protect the consumer; and
3. Work with all stakeholders including a committee created by CFP on draft proposals and submit an issue at the 2008 Conference for Food Protection.

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Attachments:

- "Critical Item designation - final - Attachment A"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 052
Issue: I-030**

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

All information above the line is for conference use only.

Title:

Formation of Committee to work with FDA on the Critical Item issue.

Issue you would like the Conference to consider:

At the 2004 CFP the Conference recommended that the FDA work with CFP stakeholders in replacing the term 'critical item' with something more appropriate. This would include redesignating Food Code provisions in terms of risk factors likely to contribute to foodborne illness and public health interventions and good retail practices that result in safer food.

The Date Marking as a Critical Item Committee (the Committee) worked with the FDA Criticality Work Group regarding terminology, definitions and criteria for evaluating the designation of Food Code provisions (See attached Committee report). The Committee has worked the past two years with the FDA as a sounding board to evaluate potential terminology and definitions to replace the terms 'critical' and "non-critical." The committee has also worked with FDA to evaluate a proposed process or criteria for objectively determining the criticality of a Food Code Section.

Additionally, since the charge to the FDA Criticality Work Group came from Council I, it is appropriate for the CFP Committee created to work with the FDA Criticality Work Group and serve under Council I as well.

Public Health Significance:

When a Food Code provision is designated as a 'critical item,' if it is marked out of compliance, it can have an immediate consequence for the retail industry, both from a regulatory perspective, as well as from a media and consumer's reaction.

When a Food Code provision is designated as a 'critical item' and is marked out of compliance, it can have an immediate consequence for the retail industry, both from a regulatory perspective, as well as from a consumer's reaction.

Additionally, operators are expected to react immediately to 'critical items'. If an item marked as 'critical' does not clearly pose an imminent hazard, operators will be receiving a mixed message. Consequently, an operator facing multiple criticals may not know which to prioritize, leading to delayed reactions before correcting items that are truly urgent.

Therefore, it is imperative that Food Code provisions be designated appropriately as to their potential to cause illness or injury. These designations can then be used as the basis to provide guidance for both the industry and regulatory agencies regarding immediacy of correction, enforcement and focus for training.

Recommended Solution: The Conference recommends...:

that a Committee be formed under Council I made up of CFP Stakeholders to provide feedback to the FDA Criticality Work Group regarding:

- Removal of the term "critical item" from the Food Code and replacement with a more appropriate term or terms;
- Provision of clear and defensible definitions for each of the new terms created;
- Development of an objective process, based on sound science and epidemiological data related to the prevention of foodborne illness, that can be used by multiple individuals to come to a consistent, logical conclusion; and
- Re-designation of Food Code provisions regarding their relationship to the risk factors identified by CDC or where epidemiological data indicates they are most likely to contribute to foodborne illness.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 110
Issue: I-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.

Title:

Inclusion of format specifications and location of the Consumer Advisory.

Issue you would like the Conference to consider:

The FDA Food Code has provided guidance for the disclosure and reminders for the Consumer Advisory however; further guidance should be placed in the codified portion of the FDA Food Code to specify the format and location of the reminder.

The USDA/CFSAN developed the document "Implementation Guidance for the Consumer Advisory Provision of the FDA Food Code" (attached). The guidelines include measures that regulators and industry can adopt to inform consumers about the increased risk of eating raw or undercooked animal foods. Format Specifications for disclosure and reminder states that **"The language for the menu items is to match the language used for the disclosure and the reminder. For example, a menu written in English would have the disclosure and the reminder in English. The disclosure and reminder may also be in other languages"**. Text size: **"Text size for statements on hand-held menus or table tents is to be visually equivalent to a minimum of 11 point"**. "For statements on a placard, the statements are to be equally readable as menu times that are on the placard. Whether the placard is also a *menu* or it is used solely for the *reminder*, the text size must be readable from the point which consumers would normally stand to read it".

Annex section 3-603.11 of the 2005 FDA Food Code (attached) states under Locating the Advisory: that the disclosure and reminders **"...belong at the point where the food is selected by the consumer. Both the disclosure and the reminder need to accompany the information from which the consumer makes a selection"**.

Public Health Significance:

With the reminder having uniform size and placement, consumers, especially vulnerable consumers will be able to easily identify the Consumer Advisory. A uniform Consumer Advisory will also provide clear guidance to regulator and industry.

Recommended Solution: The Conference recommends...:

Amending the Food Code by inserting the bold text to read as follows:

3-603.11 Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens.*

(A) Except as specified in ¶ 3-401.11(C) and Subparagraph 3-401.11(D)(3) and under ¶ 3-801.11(D), if an animal FOOD such

as beef, EGGS, FISH, lamb, milk, pork, POULTRY, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in READY-TO-EAT form or as an ingredient in another READY-TO-EAT FOOD, the PERMIT HOLDER shall inform CONSUMERS of the significantly increased RISK of consuming such FOODS by way of a DISCLOSURE and REMINDER, as specified in ¶¶ (B) and (C) of this section using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.

(B) DISCLOSURE shall include:

- (1) A description of the animal-derived FOODS, such as "oysters on the half shell (raw oysters)," "raw-EGG Caesar salad," and "hamburgers (can be cooked to order);" or
- (2) Identification of the animal-derived FOODS by asterisking them to a footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients.

(C) REMINDER shall include asterisking the animal-derived FOODS requiring DISCLOSURE to a footnote **in at least 11 point font. Both the disclosure and the reminder need to accompany the information from which the consumer makes a selection. The footnote should state:**

- (1) Regarding the safety of these items, written information is available upon request;
- (2) Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness; or
- (3) Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness, especially if you have certain medical conditions.

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Attachments:

- ""Implementation Guidance for the Consumer Advisory Provision of the FDA Foo"
- ""Annex 3 Public Health Reasons/Administrative Guidelines""

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 048
Issue: I-032**

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

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Title:

Time as a Public Health Control/Immediate Consumption

Issue you would like the Conference to consider:

The Food Code provides that food may be held without temperature control for a defined, short period of time (Section 3-501.19), provided certain conditions are met to track the time. This provision, i.e. "time as a public health control" (TPHC) states that "time only" may be used as the public health control for a working supply of potentially hazardous food (time/temperature control for safety food) (PHF/TCS food) or for ready-to-eat (RTE) PHF/TCS food displayed or held for service for immediate consumption. If TPHC is used, the food may be held for 4 hours, provided the food's initial temperature is 41°F or less, or 135°F or above, with no temperature restrictions. Additionally, the TPHC provision allows food to be held for 6 hours provided the food's initial temperature is 41°F and the warmest temperature of the food does not exceed 70°F.

The question remains whether time alone, rather than time in conjunction with temperature can be used effectively as a public health control for RTE foods that are to be removed from the control of the food establishment and taken off the premises for later consumption (e.g., take out, drive through, doggie bag, sale of any RTE PHF/TCS food, etc.) regardless of whether the food was prepared in a food service or retail food store.

Public Health Significance:

At some time after the 4 hour or 6 hour time period, any foodborne pathogens present in the RTE food (spores surviving the cooking process, recontamination of cooked or cold food, or pathogens present naturally or from contamination earlier in the food chain) may enter the log phase of growth. The question then is whether the typical industry and consumer practices result in consumption of a safe RTE PHF/TCS food product when the food product, initially hot or cold, has been held in the food establishment for the allowed 4 or 6 hour time period using the TPHC provision in the Food Code.

The term "immediate consumption" was initially used in this provision as a means to limit use of

holding RTE PHF/TCS foods at ambient temperature to situations where the food establishment maintained control of the product right up to the time of service and consumption by the customer. Changing consumer preferences, evolving services provided by restaurants and retail food stores and a better understanding of the microbiology of hot and cold foods left at ambient temperature for short times make it possible to re-examine the use of the term "immediate consumption."

The term "immediate consumption" is difficult to interpret when the food service and retail food store industries use the term to describe and support different types of operations and when the time of food consumption after leaving control of the food establishment may vary. Food service operations serve both RTE PHF/TCS food held with TPHC in dining areas for consumption on-site and for curbside takeout or drive-through. Retail food stores also sell RTE PHF/TCS food but because the customer generally does not consume this food in an on-site dining area with tables and chairs (traditionally interpreted as "immediate consumption"), stores have been denied the use of this provision, resulting in an inequity in application of the provision between food services and food stores for virtually the same type of operation.

Earlier research on the food handling practices of home food shoppers, simulations performed using the USDA Pathogen Modeling Program, and inoculation studies conducted by FDA, shed light on the safety of using TPHC provisions for RTE PHF/TCS food removed from the premises of a food establishment (see Attachment A - Supporting Data for TPHC/Immediate Consumption). It is not the intent of the proposed change to in any way extend the time allowances for on-site holding (4 or 6 hours, respectively) in the current 2005 TPHC provision, but rather to provide a margin of safety for normal expected consumer handling practices.

Recommended Solution: The Conference recommends...:

Changing Paragraph 3-501.19(A), Time as a Public Health Control of the FDA Food Code to add, "sale or" and delete the phrase "for immediate consumption", so the paragraph reads as follows:

(A) Except as specified under ¶ (D) of this section, if time only is used as the public health control for a working supply of potentially hazardous food (time/temperature control for safety food) before cooking, or for ready-to-eat potentially hazardous food (time/temperature control for safety food) that is displayed or held for **sale or** service ~~for immediate consumption~~&

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Attachments:

- "SupportingData.TPHC.06CFP+ experimental protocol-final 1-23-06 - Attachment"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 049
Issue: 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.

Title:

Cold Holding of Potentially Hazardous Food/TCS Food

Issue you would like the Conference to consider:

The 2005 Food Code currently allows potentially hazardous food/TCS food to be held cold at temperatures up to 45°F in existing refrigeration equipment not capable of maintaining product at 41°F or less during a five-year phase-in time period from the date the local jurisdiction adopts the Food Code, for replacement of refrigeration equipment. With improvements in commercial refrigerator design, enhanced equipment standards, and other allowances in the Food Code for holding product out of temperature control (e.g., variances, time as a public health control), FDA believes this exemption is no longer necessary and may be detrimental to public health protection in light of what has been learned about the growth and survival of *Listeria monocytogenes* in refrigerated foods.

Public Health Significance:

Foodborne illness associated with *Listeria monocytogenes* (LM) in certain types of refrigerated ready-to-eat foods continues to be a significant problem in the U.S., especially among highly susceptible populations. Foods can become contaminated with LM a number of places along the path from farm to table and appropriate control measures should be put in place whenever possible. According to the FDA/FSIS *Listeria monocytogenes* Risk Assessment, keeping product temperatures as low as possible is the most effective means of limiting the growth of LM in foods that have been contaminated.

For most foods, maintaining a product temperature of 5°C (41°F) or less should limit the growth of LM and other pathogens. For many years, food establishments have made use of the wide range of refrigeration equipment capable of maintaining food temperatures below 41°F. When the 41°F cold holding requirement was incorporated into the 1993 Food Code, concerns were raised that many of the refrigerators currently in place in food establishments would not be capable of maintaining food at that temperature. There was also concern that most of the open-top buffet and food prep table-type units being built at the time could not reliably maintain food at 41°F or less. The 1997 Food Code incorporated the option of having a 5-year phase-in period for the 41°F requirement to allow for upgrading of existing equipment. Many states adopted similar phase-in

periods and now require cold holding at 41°F or less. In addition, NSF Standard 7 was revised in 1997 and again in 1999 to ensure that equipment conforming to the Standard, including open-top and display units, could achieve the desired performance under conditions typically found in the food service and retail environments. FDA recognizes that conditions exist in some establishments that make it difficult for equipment, including units certified to NSF Standard 7, to maintain food at 41°F or less. Maintaining proper food temperatures is also contingent on controlling factors other than simply choosing the right refrigerator for the job (e.g., ambient temperature and air flow, frequency of door openings, location in proximity to heat sources, and nature of the product placed in the unit). The retail food, food service, and vending industries have demonstrated the capability to routinely maintain foods at 5°C (41°F) or less with the proper equipment and food storage practices.

Section 8-103.10 of the 2005 FDA Food Code permits the regulatory authority to grant a variance for any provision of the Food Code. Additionally, paragraph 3-501.19(C), Time as a Public Health Control, allows "time only" to be used as the public health control for 6 hours, provided the food's initial temperature is 41°F and the warmest temperature of the food does not exceed 70°F. Thus, there are mechanisms in place to allow industry flexibility in holding foods out of temperature control and the current exemption is no longer necessary, given equipment capabilities, existing provisions of the Food Code that could be utilized (e.g., variances, time as a public health control), and the impact on public health.

References

Food and Drug Administration. 2005. *Food Code*. www.cfsan.fda.gov.

Food and Drug Administration. 2003. *Quantitative Assessment of the Relative Risk to Public Health from Foodborne Listeria monocytogenes Among Selected Categories of Ready-to-Eat Foods*. www.cfsan.fda.gov.

NSF/ANSI 7-Commercial refrigerators and freezers. NSF International, www.nsf.org.

Recommended Solution: The Conference recommends...:

that the FDA delete subparagraph 3-501.16(A)(2)(b) and subparagraph 3-501.17(A)(2)(a)-(b) to remove the exemption allowing food to be stored at 7°C (45°F) in existing refrigeration equipment that is not capable of maintaining the food at 5°C (41°F).

Delete subparagraph 3-501.16(A)(2)(b) as follows:

3-501.16 Potentially Hazardous Food (Time/Temperature Control for Safety Food), Hot and Cold Holding.*

(A) *Except during preparation, cooking, or cooling, or when time is used as the public health control*

as specified under § 3-501.19, and except as specified under ¶ (B) of this section, POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be maintained:

(1) At 57°C (135°F) or above, except that roasts cooked to a temperature and for a time specified in ¶ 3-401.11(B) or reheated as specified in ¶ 3-403.11(E) may be held at a temperature of 54°C (130°F) or above; or

(2) At a temperature specified in the following:

(a) 5°C (41°F) or less; ~~or~~

~~(b) 7°C (45°F) or between 5°C (41°F) and 7°C (45°F) in existing refrigeration EQUIPMENT that is not capable of maintaining the FOOD at 5°C (41°F) or less if:~~

~~(i) The EQUIPMENT is in place and in use in the FOOD ESTABLISHMENT, and~~

~~(ii) Within 5 years of the REGULATORY AUTHORITY'S adoption of this Code, the EQUIPMENT is upgraded or replaced to maintain FOOD at a temperature of 5°C (41°F) or less.~~

(B) EGGS that have not been treated to destroy all viable **Salmonellae** shall be stored in refrigerated EQUIPMENT that maintains an ambient air temperature of 7°C (45°F) or less.

The Food Code would then read as follows:

3-501.16 Potentially Hazardous Food (Time/Temperature Control for Safety Food), Hot and Cold Holding.*

(A) Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under § 3-501.19, and except as specified under ¶ (B) of this section, POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be maintained:

(1) At 57°C (135°F) or above, except that roasts cooked to a temperature and for a time specified in ¶ 3-401.11(B) or reheated as specified in ¶ 3-403.11(E) may be held at a temperature of 54°C (130°F) or above; or

(2) At 5°C (41°F) or less.

(B) EGGS that have not been treated to destroy all viable **Salmonellae** shall be stored in refrigerated EQUIPMENT that maintains an ambient air temperature of 7°C (45°F) or less.

Delete subparagraph 3-501.17(A)(2)(a)-(b) as follows:

3-501.17 Ready-to-Eat, Potentially Hazardous Food (Time/Temperature Control for Safety Food), Date Marking.*

(A) Except when PACKAGING FOOD using a REDUCED OXYGEN PACKAGING method as specified under § 3-502.12, and except as specified in ¶¶ (D) and (E) of this section, refrigerated, READY-TOEAT, POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) prepared and held in a FOOD ESTABLISHMENT for more than 24 hours shall be clearly marked to indicate the date or day by which the FOOD shall be consumed on the

PREMISES, sold, or discarded based on the temperature and time combinations specified below. The day of preparation shall be counted as Day 1.

(1) 5°C (41°F) or less for a maximum of 7 days. ~~or~~

~~(2) 7°C (45°F) or between 5°C (41°F) and 7°C (45°F) for a~~

~~maximum of 4 days in existing refrigeration EQUIPMENT that is not capable of maintaining the FOOD at 5°C (41°F) or less if:~~

~~(a) The EQUIPMENT is in place and in use in the FOOD~~

~~ESTABLISHMENT, and~~

~~(b) Within 5 years of the REGULATORY AUTHORITY'S adoption~~

~~of this Code, the EQUIPMENT is upgraded or replaced to~~

~~maintain FOOD at a temperature of 5°C (41°F) or less.~~

The Food Code would then read as follows:

3-501.17 Ready-to-Eat, Potentially Hazardous Food (Time/Temperature Control for Safety Food), Date Marking.*

(A) Except when PACKAGING FOOD using a REDUCED OXYGEN PACKAGING method as specified under § 3-502.12, and except as specified in ¶¶ (D) and (E) of this section, refrigerated, READY-TOEAT, POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL

FOR SAFETY FOOD) prepared and held in a FOOD ESTABLISHMENT for more than 24 hours shall be clearly marked to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded, based on the temperature and time combinations specified below. The day of preparation shall be counted as Day 1.

(1) 5°C (41°F) or less for a maximum of 7 days. Continue on with 2005 text of the provision from here.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 076
Issue: I-034**

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

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Title:

Change 2005 FDA Food Code § 3-501.19, Time as a Public Health Control

Issue you would like the Conference to consider:

§ 3-501.19 Time as a Public Health Control. This issue was previously presented as 2004 Ill-010 at the 2004 CFP (see attached as a reference). It was accepted as submitted by Council 1, but was later extracted and rejected by the State delegates. The uniform application and enforcement of allowing the food industry to use Time as a Public Health Control (TPHC) continues to be a problem for those FOOD ESTABLISHMENTS providing "take out" or carry out food operations. This is because there is no consistent interpretation and application of TPHC for all carry out food operations. Some jurisdictions do not allow grocery stores or take-out food establishments to use TPHC.

The science of TPHC is not in question and in fact, supports our position on this issue. The issue is the disparity to the industry in how it is applied and enforced. There are no differences in customers purchasing take-out food from a grocery store, foodservice department or any of the fast food restaurants offering this service. Carry out is carry out.

Public Health Significance:

Many retail establishments recognize there are shoppers and consumers who prefer not to cook or prepare meals/products. These establishments have developed "Home Meal Replacement" or "Meal Solution" operations such as salad bars, pizza shops, sandwich shops, specialty cafes, soups and cooked chickens to provide consumers with safe, ready-to-eat/ready-to-consume foods. These products can be safely consumed on premises or taken out for consumption later.

The 2004 CFP, Time as a Public Health Control Committee Report, concluded the current time allowed in section § 3-501.19 is based on the worse case scenario and provides for a sufficient safety (time) buffer. The report clearly shows that the existing time limit for allowing food out of temperature under controlled conditions is very conservative. The limited amount of time that customers would take to consume the food purchased from a take out operation would not result in significant pathogen growth.

Supermarket/retail food establishments should be permitted the opportunity to comply with provisions of the FDA Food Code § 3-501.19, Time as a Public Health Control, regardless of

whether seating is available or the food is purchased as take-out and consumed off site. Many restaurants and food service establishments that offer take out or fast food that is not consumed at the point of purchase currently use TPHC for products that are awaiting customer purchase, pickup, or delivery.

Recommended Solution: The Conference recommends...:

The Conference Chair send a letter to the FDA Commissioner recommending that FDA clarify the language in section § 3-501.19 (A) of the 2005 FDA Food Code to provide uniform application allowing all food establishments the same opportunity to comply with the provisions of TPHC. The recommended changes to clarify this paragraph should read:"(A) Except as specified under ¶ (D) of this section, if time only is used as the public health control for a working supply of POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) before cooking, or for READY-TO-EAT POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) that is displayed or held for service for immediate consumption or sold as take out:

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Attachments:

- "2004 III-010 TPHC results"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 092
Issue: 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.

Title:

Time as a Public Health Control: Define - Removed from Temperature Control"

Issue you would like the Conference to consider:

In section 3.501.19 of the 2005 FDA Food Code, the phrase "food is removed from temperature control" is used repeatedly. It is unclear, however, whether this phrase refers to food that is held anywhere between 41 and 135 °F, or only to food that is held at room temperature (i.e., completely removed from any device or equipment that may control the temperature). For example: Is it allowable for a food establishment to hold food under a heat lamp while using time as a public health control?

On a practical level, it is difficult to regulate and scientifically justify allowing time as a public health control for 60-80 °F room temperature storage, but not allow food to be held on ice at 50 °F or under a heat lamp at 90-100 °F for a short (four hour) time with the required management controls in place.

Public Health Significance:

In Annex 3 (Public Health Reasons) of the 2005 FDA Food Code, there is an FDA Position Paper that speaks to the Time as a Public Health Control issue. Some parts of this paper seem to suggest that room temperature storage (approximately 75 °F) is assumed for justifying this section of the Code. However, the paper also seems to state that the four or six hour time allowances are conservative maximum times based on a "worst case scenario" for the pathogens of concern.

Recommended Solution: The Conference recommends...:

A definition of "removed from temperature control" be added to Paragraph 1-201.10(B) of the Food Code that reads as follows: "Removed from temperature control" means point at which food is/was not held at or below 41 or 45 °F, or at or above 135°F.

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**Conference for Food Protection
2006 Issue Form**

**Internal Number: 093
Issue: I-036**

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

All information above the line is for conference use only.

Title:

Allowing Displayed or Held Ready-to-Eat Foods to be Heated for Palatability

Issue you would like the Conference to consider:

The Food Code currently allows time only as a public health control for ready-to-eat potentially hazardous food (time/temperature control for safety food) that are displayed or held for service for immediate consumption.

It is not clear whether a food establishment is allowed, upon or without a consumer's request, to heat the food for palatability before it is served or offered to the consumer. This is currently practiced and should be specifically allowed.

Public Health Significance:

As long as the food is protected from contamination, is served or offered for sale within the time frame required in this section, and all other requirements of Section 3-501.19 are followed, heating for palatability does not present any additional health risk to the consumer.

Recommended Solution: The Conference recommends...:

Section 3-501.19 be amended to add a paragraph (E) to read: (E) READY-TO-EAT FOOD items being held or displayed for immediate consumption may be heated for palatability during the hold time before being served. 2005 FDA Food Code

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 080
Issue: I-037**

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

All information above the line is for conference use only.

Title:

Prohibit Serving Undercooked Ground Beef to Children

Issue you would like the Conference to consider:

FDA Food Code Section 3-401.11 Raw Animal Foods* permits undercooked comminuted meat to be served if:

- (1) The FOOD ESTABLISHMENT serves a population that is not a HIGHLY SUSCEPTIBLE POPULATION, and
- (2) The CONSUMER is informed as specified under Section 3-603.11 that to ensure its safety, the Food should be cooked as specified under (A) or (B) of this section; or
- (3) The REGULATORY AUTHORITY grants a variance from (A) which provides minimum cooking temperatures for raw animal foods.

The definition of Highly Susceptible Population in the Food Code only includes young children who are of pre-school age and obtain food at a facility that provides custodial care services, such as a child day care center. This definition does not address pre-school age and older children who consume foods in retail food establishments such as table-service restaurants.

The specific organism of concern in raw or undercooked comminuted meat is *Escherichia coli* 0157:H7.

Public Health Significance:

Eating undercooked ground beef has been strongly associated with severe illness, kidney disease, and death due to *Escherichia coli* 0157:H7 infection ever since 700 patrons became ill (four died) after eating hamburgers at a national fast-food chain in 1993.[1] Surveillance reports continue to corroborate this link: undercooked hamburgers are a major risk factor for *Escherichia coli* 0157:H7 infection;[2] [3] the hemolytic-uremic syndrome (HUS) case rate was significantly higher among ground beef-associated outbreaks compared with all other foodborne outbreaks [4].

The CDC estimates that 73,000 cases of acute *Escherichia coli* 0157:H7 infection and 61 deaths occur annually in the United States.[5] Approximately 5% of *Escherichia coli* 0157:H7 cases develop HUS, with very severe short- and long-term outcomes.[6] Half of those with HUS develop some degree of serious renal impairment long term[7], and approximately 3-5% of those patients die of HUS during the acute phase.[8]

Children have a relatively high risk for infection with *E. coli* 0157:H7, and it is possibly the leading cause of acute kidney failure and HUS in infants and children.[9] [10] For example, the CDC has reported the following *E. coli* 0157-H7 infection rates per 100,000 by age range: 6.1 for infants, 8.2 for young children 1-9 years old, and 3.0 for older children 10 - 20 years of age.[11]. In a recent *E. coli* 0157-H7 outbreak linked to a restaurant chain, the median age of the 13 case reported was 12 years (range: 2 - 75 years). [3]

The risk of illness from *E. coli* 157:H7 in ground beef has been shown to be about 2.5 times higher for preschool children and infants than for the rest of the population.[9] While older children have stronger immune defenses, they remain at significant risk for *E. coli* 157:H7 illness since their consumption of ground beef is also greater.[9]

The recommended changes in the Food Code seek to increase current coverage of preschool children and infants beyond custodial care facilities, and to establish needed safeguards for older children in all retail food establishments.

[1] Bell, B. P., Goldoft, M., Griffin, P. M., et al, "A Multistate Outbreak of Escherichia coli 0157:H7 - associated Bloody Diarrhea and Hemolytic Uremic Syndrome from Hamburgers: The Washington Experience", JAMA 1994; 272:1349-53

[2] Kassenborg, Heidi D., Hedberg, Craig W., et al, "Farm visit and Undercooked Hamburgers as Major Risk Factors for Sporadic Escherichia coli)157:H7 Infection: Data from a Case-Control Study in 5 FoodNet Sites Clinical Infectious Diseases, Volume 38(2004), pages S271- S278, University of Chicago Press, 2004

[3] Jay, Michele T., Garrett, V., et al, "A Multi-state Outbreak of Escherichia coli 0157:H7 Infection Linked to Consumption of Beef Tacos at a Fast-Food Restaurant Chain", Clinical Infectious Diseases, 2004:39, July, 2004

[4] Rangel, Josefa M., Sparling, Phyllis H., et al, "Epidemiology of Escherichia coli 0157:H7 Outbreaks, United States, 1982 - 2002, Emerging Infectious Diseases, Vol. 11, No. 4, April 2005

[5] CDC "*Escherichia coli* 0157:H7 general information webpage, www.cdc.gov

[6] Buzby, Jean C., Roberts, Tanya, et.al., "Bacterial Foodborne Disease: Medical Costs and Productivity Losses, Agricultural Economics Report No. (AER741) 100 pp, August 1996, Economic Research Service / USDA

[7] Thorpe, Cheleste M., "Shiga Toxin -Producing *Eshcerichia coli* Infection", Clinical Infectious Diseases, 2004:38:1298-1303, 2004

[8] Siegler, R. L., "The Hemolytic Uremic Syndrome", Nephrology -Pediatric Clinics North Am, 1995: 42: 1505-29

[9] "Draft Risk Assessment of the Public Health Impact of Escherichia coli 0157:H7 in Ground Beef, Executive Summary", Office of Public Health and Science / Food Safety and Inspection Service / USDA, October, 2001, http://www.fsis.usda.gov/Science/Risk_Assessments/index.asp

[10] Buzby, Jean C., "Children and Microbial Foodborne Illness", FoodReview Volume 24, Issue 2, pages 32-37, May-August, 2001.

[11] CDC/USDA/FDA Foodborne Diseases Active Surveillance Network, 1998 Annual Report

Recommended Solution: The Conference recommends...:

The Conference recommends that the conference chair send a letter to the FDA Commissioner to urge the following changes to the food code by adding:

A new subparagraph to Section 3-401.11 (D) of the Food Code which prohibits raw or undercooked comminuted beef from sale or service to children 9 years of age or younger, and re-numbers this paragraph (see additional changes below) so that it states:

(D) A raw animal Food such as raw EGG, raw FISH, raw-marinated FISH, raw MOLLUSCAN SHELLFISH, or steak tartare; or a partially cooked FOOD such as lightly cooked FISH, soft cooked EGGS, or rare MEAT other than WHOLE-MUSCLE, INTACT BEEF steaks as specified in

(C) of this section, may be served or offered for sale in a READY-TO-EAT form if:

(1) The FOOD is not comminuted beef offered or served to children 9 years of age or younger and

(2) The FOOD ESTABLISHMENT serves a population that is not a HIGHLY SUSCEPTIBLE POPULATION, and

~~(2)~~ (3) The CONSUMER is informed as specified under §3-603.11 that to ensure its safety, the FOOD should be cooked as specified under ¶ (A) or (B) of this section; or

~~(3)~~ (4) The REGULATORY AUTHORITY grants a VARIANCE from ¶ (A) or (B) of this section as specified in § 8-103.10 based on a HACCP PLAN that:

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 044
Issue: I-038**

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

All information above the line is for conference use only.

Title:

Packaged Food Labeling Clarification

Issue you would like the Conference to consider:

Many restaurant operators sell food items such as sandwiches, entrée salads, side dishes and desserts to consumers from self-serve, refrigerated cases to facilitate and expedite service to the customers for product consumption in the foodservice dining facilities or other areas chosen by the consumer. These foods are often protected from contamination by placing the product in non-durable containers such as clear plastic wrap or bags, carry-out boxes, etc.

Section 3.201.11 (C) of the 2005 FDA Food Model Food Code requires packaged food to be labeled as specified in law, including 21 CFR 101 Food Labeling, 9 CFR 317 Labeling, Marking Devices, and Containers, and 9 CFR 381 Subpart N Labeling and Containers, and as specified under paragraph 3-202.17 and 3-202.18 of the Code. **Section 1.201.10 (B)(54)(a)** of the code defines "Packaged" as bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food establishment or a food processing plant. The section goes on to clarify under **(b)** that "packaged" does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.

Restaurant operators have interpreted the above referenced sections of the Food Code to mean that foods prepared and sold from self-service display units in food establishments as previously described do **not** need to be labeled according to 21 CFR 101 because the products are not "packaged." Until recently, this interpretation has met little or no resistance from state and local regulatory authorities. However, operators are increasingly being cited for violations at the unit level if these products are not labeled per the code's requirements as officials are deeming the products "packaged" and citing the definition as the basis for the labeling mandate.

Public Health Significance:

It is important that all foods requiring labeling under the law are in fact labeled for the protection of the consuming public with special dietary or health needs.

Recommended Solution: The Conference recommends...:

The FDA modify the definition of "Packaged" in Section 1-201.10 (B) of the 2005 Food Code to adequately convey what "packaged" does not include so that state and local regulatory authorities and foodservice operators can clearly determine which food items must be labeled according to law.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 100
Issue: I-039**

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

All information above the line is for conference use only.

Title:

Handwashing on Removal of Single-use Gloves

Issue you would like the Conference to consider:

Infrequent glove changing or using the wrong glove can increase the presence of perspiration. Soils trapped under fingernails or in skin crevices can be released into the warm perspiration. Hands should be washed after removing gloves as well as before donning them.

Public Health Significance:

Potential contamination of surfaces and ready-to-eat food will be increased.

Recommended Solution: The Conference recommends...:

the Conference Chair send a letter to FDA to urge the following change to the Food Code:

Change the wording in 2005 FDA Food Code Section 2-301.14(H)

When to Wash: FOOD EMPLOYEES shall clean their hands and exposed portions of their arms as specified under 2-301.12 immediately before engaging in FOOD preparation including working with exposed FOOD, clean EQUIPMENT and UTENSILS, and unwrapped SINGLESERVICE and SINGLE-USE ARTICLES and:

(A) After touching bare human body parts other than clean hands and clean, exposed portions of arms;

(B) After using the toilet room;

(C) After caring for or handling SERVICE ANIMALS or aquatic animals as specified in 2-403.11(B);

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

(E) After handling soiled EQUIPMENT or UTENSILS;

(F) During FOOD preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;

(G) When switching between working with raw FOOD and working with READY-TO-EAT FOOD;

(H) Before donning gloves for working with FOOD and after their removal; and

(I) After engaging in other activities that contaminate the hands.

Submitter Information:

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 090
Issue: I-040**

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

All information above the line is for conference use only.

Title:

Hand Drying Equipment Guideline for Kitchen Designers

Issue you would like the Conference to consider:

Hand drying with clean towels, paper or cloth, is heavily preferred by foodservice workers for the speed and added cleaning. This is the case in both the kitchens and restrooms used by food workers. In the 2005 FDA Food Code, a kitchen designer sees that heated air dryers are approved, without any note of its disadvantages, and specifies them. This embeds a compromised hand hygiene system for the life of the equipment.

Heated air dryers are slow. Training employees to wash for 20 seconds is hard enough without having to add 20-30 seconds more for effective drying.

The loss of friction and absorbent surfaces can also leave deposits of suspended soil on the hands. Users of heated air dryers are frequently seen wiping their wet hands on their clothing or soiled apron as a final step.

Heated air dryers require a burdensome level of training and without it, compliance is compromised.

Public Health Significance:

Food workers returning to their workstation with wet hands renew bacterial growth along their trail from the hand sink, either in the kitchen or from the restroom, increasing the opportunity for cross-contamination. A potential residue of suspended matter also increases the likelihood of cross-contamination.

Recommended Solution: The Conference recommends...:

the Conference Chair send a letter to the FDA to urge the following change to the Food Code:

Add a note to section 6-301.12 Hand Drying Provision. Each handwashing sink or group of adjacent handwashing sinks shall be provided with:

- (A) Individual, disposable towels;
- (B) A continuous towel system that supplies the user with a clean towel; or
- (C) A heated-air hand drying device.

note: Alternative (C) adds significant drying time, at least doubling the overall handwashing time, and may require added training emphasis.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 039
Issue: I-041**

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

All information above the line is for conference use only.

Title:

Touchless Faucets at All Handwash Sinks and Restroom Sinks

Issue you would like the Conference to consider:

A Code change is recommended to require touchless faucets at all handwash sinks and restroom sinks at all new food service establishments. All new proposed food service establishments should be required to comply immediately after adoption. Pre-existing food service establishments should be given a reasonable period of time, for example until January 2008, to comply with this requirement if this proposal is adopted.

A touchless faucet automatically turns on the faucet water during the period of time that the hand(s) are present in the area of the sink basin where the electronic eye device detects the hands being present. It also automatically turns off the water whenever the hands are not present in that area. Therefore, this requirement would replace the section C of 5-202.12 which currently reads: self-closing, slow closing, or metering faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

Public Health Significance:

This proposal is significant for advancement in public health for several reasons: (1) It provides an easy and convenient manner for washing hands. Food handling employees are not required to turn or push any buttons in order to obtain water whenever an employee washes their hands. The water turns on and off automatically. This convenience may lead to repeated and recurring washing of hands as promoted by public health professionals. (2) Unsanitary faucet handles or buttons are not touched by food handling employees after washing their hands. The employees' hands remain clean after thoroughly washing hands, without further contamination from faucet handles or any faucet buttons. (3) Customers hands are clean and sanitary after using restrooms and returning to their meals. Unsanitary faucet handles or buttons from previous customers are not touched by customers after washing hands. The customers hands remain clean after thoroughly washing hands, without further contamination from faucet handles or any faucet buttons. (4) This proposal would promote uniformity. The Town of Barnstable (Massachusetts) Board of Health already adopted this requirement during their December 2005 meeting. (5) This proposal complies with plumbing codes in the many States which promote water conservation.

Recommended Solution: The Conference recommends...:

The Conference recommends the following: SECTION 5-202.12 c of the Food Code should be amended to require touchless faucets at all food establishments. This amendment should apply only to those establishments where foods are prepared.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 022
Issue: 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.

Title:

CB 1 - Memorandum of Understanding between CFP and FSIS of the USDA

Issue you would like the Conference to consider:

Acceptance of this Memorandum of Understanding between the Conference for Food Protection and the Food Safety and Inspection Service of the United States Department of Agriculture

Public Health Significance:

The Conference Executive Board wishes to establish a formal working relationship with the USDA Food Safety and Inspection Service.

Recommended Solution: The Conference recommends...:

the attached Memorandum of Understanding be adopted.

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Attachments:

- "CFP USDA MOU"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 023
Issue: 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.

Title:

CB 2 - CFP Constitution and Bylaws - Amend Article II, Section 3; Article X

Issue you would like the Conference to consider:

Amend Article II Organization and Operation, Section 3; Article XIII, Section 1 and Article XVI, Section 4.

Public Health Significance:

Article II, Section 3 -The Conference Executive Director, on behalf of the membership, requests changes in Section 3 to increase the time frame for the meeting notice, the Issue submission deadline, and the amount of time between the distribution of assigned Issues to members and the Conference. In addition, the Executive Director requests correction of some procedural language set forth in this Section.

Article XIII, Section 1 - The Conference Executive Board requests more time for Conference members to review the assigned Issues prior to the Conference biennial meeting. The proposed amendment changes the deadline for Issues to be submitted to the Conference, thereby, providing fifteen (15) additional days for the Issues to be reviewed by the members prior to the start of the biennial meeting.

Article XVI, Section 4 - The Conference Executive Board would also like to extend the time food regulatory agency or agencies are contacted for participating in the conference biennial meeting.

Recommended Solution: The Conference recommends...:

Section 3. The Conference identifies retail food safety issues by receiving Issues submitted by interested persons. The Conference addresses Issues by assigning them to appropriate Councils or Committees for consideration. Council membership is balanced between government and industry interests. Aspects of Issues may also be assigned to Committees for study, procedure development or for other reasons. All committees that are assigned to a Council shall submit an Issue and attached committee report to the Council Chair and Conference at least ~~seventy-five (75)~~ ninety

(90) days preceding the Conference meeting. Councils then make recommendations to the Assembly, which is composed of delegates designated by the States, and territories each territory and the District of Columbia The Assembly considers and votes to approve or reject Council recommendations. Conference participation is open to all interested individuals who choose to become members and attend. Individuals may serve as appointed or elected ~~officials~~ members on the Board, Councils, and Committees; or as a participating registered member. ~~in attendance at the Conference meeting.~~

The Conference shall consider issues related to retail food safety that are submitted on approved forms and within specified time frames. Any interested person may submit an Issue for consideration.

At least one hundred and fifty (150) ~~twenty (120)~~ days preceding the Conference meeting, the Executive Director shall notify members of the Conference of the time and place of the Conference meeting. ~~and of issues that are to be voted on under "unfinished business".~~ Each notice shall include ~~approved forms~~ information for submitting Issues, ~~including proposed changes to the Constitution and Bylaws,~~ and a statement that all Issues, ~~including constitutional changes,~~ shall be submitted to the Conference ~~on the approved forms~~ at least ninety (90) ~~seventy-five (75)~~ days preceding the Conference meeting. Issues are to be assigned to appropriate Councils by the Issue Committee.

-

At least forty (40) ~~thirty (30)~~ days preceding the Conference meeting, the Executive Director shall make available to members of the Conference copies of the final committee reports and Issues, including Constitution changes that have been received and assigned for Conference deliberation.

The Board may submit special Issues to the Councils at the beginning of the Conference meeting as necessary.

Councils are to deliberate their Issues and report their recommendations on each to the Assembly. The Assembly considers and votes on recommendations received from the Councils.

Article XIII Duties of the Committee

Section 1. The Issue Committee shall review all Issues submitted at least ninety (90) ~~seventy-five (75) days~~ before the Conference meeting. The Issue Committee shall assign for Council deliberation those Issues that have met the Issue acceptance criteria specified in the Conference Procedures Manual. Issue assignments shall be made in accordance with Article XI, Section 1, Subsection 1, Section 2, Subsection 1 and Section 3, Subsection 1.

Article XVI Rules of the Assembly

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Section 1. Meetings of the Assembly shall include the following:

- Subsection 1.** Call to order by the Chair;
- Subsection 2.** Roll call of States, Territories and the District of Columbia and the announcement of the names of the delegates who will vote for each in the Assembly;
- Subsection 3.** Approval of the minutes of the previous meeting;
- Subsection 4.** Report of the Executive Director;
- Subsection 5.** Council Chair Reports, Resolutions and other new business;
- Subsection 6.** Assembly voting;
- Subsection 7.** Authorization that may be required by the Assembly for the Board to conclude and implement any necessary recommendations prior to the next Conference meeting; and
- Subsection 8.** Adjournment.

Section 2. Each State shall be entitled to one (1) full vote and each territory and the District of Columbia shall be entitled to one-half ($\frac{1}{2}$) vote in the Assembly. When a State has more than one (1) State food regulatory agency enforcing food laws and regulations for food processing, food service, retail food stores and food vending, the vote may be divided into appropriate fractions. State agencies within each State must agree among themselves regarding apportioning the one (1) vote.

Section 3. Only a registrant at the Conference meeting who is a representative of a State, territory or District of Columbia food regulatory agency responsible for the enforcement of food laws and regulations for food processing, food service, retail food stores or food vending is entitled to be a delegate in the Assembly. When any State is represented by more than one food regulatory agency, the vote may be cast together as one vote or separately as a fraction of a vote. Representatives of States with more than one regulatory agency delegate certified in compliance with the provisions of Section 4 of this Section may, during any meeting of the Assembly, reassign their voting privilege to another duly certified delegate from their State by giving written notice of such action to the Conference Chair. When a State is represented by only one agency, the State's delegate may cast a full vote for that State in the Assembly.

Section 4. At least one hundred and twenty five (120) ~~(120)~~ **(150)** days prior to a Conference meeting the Executive Director shall send to the food regulatory agency or agencies in each State, territory and District of Columbia participating in the Conference a notice of the forthcoming meeting. Each notice shall include a current copy of Article II, Section 3 and Article XVI, Sections 2 through 6 and 9 of the Constitution and Bylaws.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 024
Issue: 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.

Title:

CB 3 - CFP Constitution and Bylaws - Amend Article IV, Section 3

Issue you would like the Conference to consider:

Amend Article IV Composition of Organizational Components and Eligibility Requirements for Service in Official Capacities, Section 3, Subsection 1, c) and Subsection 4 f).

Public Health Significance:

Section 3, Subsection 1, c) - The Conference Executive Board believes the responsibilities of the Centers for Disease Control and Prevention in foodborne illness detection and prevention make it essential to have CDC as a member of its Board.

Section 3, Subsection 4 f) - In the interest of encouraging participation of other countries in the affairs of the Conference the Executive Board proposes the amending the language dealing with its Ex-Officio membership and rearranging the order.

Recommended Solution: The Conference recommends...:

Article IV, Section 3. Subsection 1, c) be amended to read as follows:

Section 3. Board Membership

Subsection 1. The Board shall be composed of ~~twenty-two (22)~~ twenty-three (23) voting members as follows:

- a) Six (6) members from State food regulatory agencies (one (1) from each CFP region);
- b) Six (6) members from local food regulatory agencies (one (1) from each CFP region);
- c) ~~Two (2)~~ Three (3) members from federal regulatory agencies (one (1) from FDA, one (1) from FSIS-USDA, and one (1) from CDC);
- d) Six (6) members from the food industry with at least one (1) each representing food

processing, food service, retail food stores and food vending;

- e) One (1) member from an academic institution; and
- f) One (1) member representing consumers.

Subsection 2. Regulatory agency, industry, academic institution and consumer Board members shall be elected by a caucus of registrants in each respective group. State and local regulatory Board members shall be elected in regional caucuses of regulatory registrants. Federal regulatory Board members shall be appointed by the head of their agency.

Subsection 3. Such elected Board members shall serve through three (3) general meetings of the Conference. Elected Board members may succeed themselves unless reelection would extend the total of consecutive service to more than twelve (12) years.

The terms of elected Board members shall be staggered so that one-third (1/3) of the members are elected at each Conference meeting.

Subsection 4. The Board shall have non-voting Ex-Officio members as follows:

- a) The Immediate Past Chair of the Board;
- b) The Executive Director;
- c) The Chair and Vice Chair of each Council;
- d) The Conference Program Chair;
- e) The Conference Issue Chair; and
- f) A representative from Canada (Health Canada/Health Protection Branch), the Pan American Health Organization (PAHO), the World Health Organization (WHO), and the Food and Agriculture Organization (FAO); Representatives from regulatory agencies regulating retail food operations in other countries of the world, such as Canada, Mexico, etc.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 031
Issue: 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.

Title:

CB 10 - CFP Procedures Manual - Amend Article VIII, B, 2.

Issue you would like the Conference to consider:

Amend Article VIII Committees, B. Appointment of Members, 2.

Public Health Significance:

With the proposed amendment to the CFP Constitution and Bylaws to add the Centers for Disease Control and Prevention (CDC) to the Conference Executive Board, CDC will be able to appoint participants to Conference committees. If that recommended amendment to the Constitution and Bylaws is approved, this proposed amendment to the Conference Procedures will be necessary.

Recommended Solution: The Conference recommends...:

Article VIII, B, 2 be amended to read as follows:VIII. Committees

A. Committee Membership

Whenever possible, depending upon the nature of the Issue, membership of the Committees should be made up of representatives from around the country and from regulatory, industry, consumers and academia.

B. Appointment of Members

1. The incoming Council Chairs appoint the Chairs of each Committee formed within their Council with the concurrence of the Conference Chair. The Conference Chair will confirm the appointment of the Committee Chair and then notify the person of their appointment. Once confirmed, the Committee Chair will select the remaining members of the Committee and submit them to the Conference Chair for final Board approval. Accepting a committee chair or member assignment requires a commitment of time and resources as described in the Constitution and Bylaws.

2. Federal participants (FDA/USDA/CDC) may appoint a member and an alternate for each Committee. The member participates in discussion but does not vote. The alternate may act in the member's place if the member is unable to attend.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 025
Issue: 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.

Title:

CB 4 - CFP Constitution and Bylaws - Amend Article V

Issue you would like the Conference to consider:

Amend Article V Duties of the Assembly and the Board, section 15.

Public Health Significance:

The Conference Executive Board would like to clarify that it has the authority to approve the members of Standing Committees.

Recommended Solution: The Conference recommends...:

Article V be amended by adding a new Section 15.

Article V Duties of the Assembly and the Board

Section 1. The Assembly with recommendation from a Council or the Board shall approve or reject all recommendations including those pertaining to the Constitution and Bylaws, any Conference procedures, all Memoranda of Understanding or other formal agreements and other necessary actions including resolutions; and establish Conference policies and positions on all subjects related to the objective of the Conference except as delegated (by the Assembly) to the Board. If a recommendation is approved, it shall be referred to the Board for appropriate disposition. If a "No Action" recommendation is rejected, the Issue will be referred to the Board for its consideration.

Section 2. The Board shall manage the affairs of the Conference.

Section 3. The Board shall meet prior to each Conference meeting and after the meeting closes. The Chair shall call special meetings of the Board at any time at the request of two-thirds (2/3) of its voting members. In addition, the Chair is empowered to call special meetings of the Board at any time, as the need arises, with the concurrence of two-thirds (2/3) of the voting Board members.

Section 4. The Board may, at the discretion of the Chair, utilize a mail service, electronic mail, or fax ballots to establish a position, action or confirm telephone conference call votes. Only an authorized ballot approved by the Board shall be used. Once such a position or action has been taken, the Board shall notify all Conference members.

Section 5. The Board shall direct the Chair, Executive Director, and Program Chair in the preparation of the programs for each meeting of the Conference.

Section 6. The Board shall set the time and place of the meetings of the Conference.

Section 7. If voting members of the Board are unable to participate in a Board meeting, they may not send a substitute, but may forward by mail information for consideration by attending members of the Board. Voting members may participate through a telephone conference call.

Section 8. Voting Board members who fail to attend two (2) consecutive Board meetings and who fail to show cause why they were absent may have their positions declared vacant by the Chair.

Section 9. If a vacancy occurs for any reason in Board membership between biennial meetings, the Chair with concurrence of the Board may fill the vacancy with a person representing the same discipline as the person being replaced until the next biennial meeting at which time the vacancy shall be filled by a qualified person who is properly elected.

Section 10. The Board shall direct the Executive Director to collect registration and membership fees as necessary to defray the costs of the operation of the Conference. The Board shall cause an annual audit to be made of the Executive Director's financial reports.

Section 11. The Board shall authorize the form used to tally votes in meetings of the Board and Assembly.

Section 12. The Board shall establish the registration and membership fees identified in Article III.

Section 13. The Board shall approve an annual budget for the fiscal year established by the Board.

Section 14. The Board shall appoint Committees as necessary to accomplish the Conference objective.

Section 15. The Board shall approve the membership of each Standing Committee.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 026
Issue: II-006**

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

All information above the line is for conference use only.

Title:

CB 5 - CFP Constitution and Bylaws - Amend Article VI, Section 5

Issue you would like the Conference to consider:

Amend Article VI Duties of the Chair, Section 5

Public Health Significance:

The Conference Executive Board wants to clarify that all Standing Committee Chairs are to be appointed by the Conference Chair by revising Section 5.

Recommended Solution: The Conference recommends...:

Article VI, Section 5 be amended to read as follows:

Article VI Duties of the Chair

Section 1. The Chair shall preside at all meetings of the Assembly and Board, except as provided in Article VII, Section 1.

Section 2. The Chair shall assist the Executive Director in arranging Conference meetings.

Section 3. The Chair with the approval of the Board shall appoint Council Chairs and Vice-Chairs.

Section 4. The Chair shall appoint Council consultants required in Article X.

Section 5. The Chair shall appoint Chairs of the following Conference Standing Committees: an Issue; Chair and a Program Chair; Audit; Resolution; Constitution and Bylaws/Procedures; Food Protection Managers Training, Testing and Certification; Nominating; and Strategic Planning.

Section 6. The Chair, with the approval of the Board, shall appoint qualified persons to

Councils and Committees as provided in the Constitution and Bylaws.

Section 7. The Chair shall appoint a Local Arrangements Committee to assist in planning the physical facilities for the next Conference meeting.

Section 8. The Chair shall appoint a parliamentarian to advise on matters of parliamentary procedures at Board and Assembly meetings.

Section 9. The Chair, with Board approval, may retain clerical assistance for the Conference.

Section 10. Between Conference meetings the Chair shall require from each Council Chair a report of the status of implementation of each approved recommendation originating in the respective Council and this information shall be provided to the Conference participants.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 027
Issue: 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.

Title:

CB 6 - CFP Constitution and Bylaws - Amend Article VIII, new Section 8.

Issue you would like the Conference to consider:

Amend Article VIII Duties of the Executive Director by adding new Section 8.

Public Health Significance:

With the creation of a new Executive Assistant position the Conference Executive Board would like to clarify the relationship between the Executive Director and Executive Assistant.

In addition, The Conference Executive Board would like to clarify that Standing Committee reports are to be sent to the Conference Chair, as well as the Conference Vice Chair, when requested by the Chairs or required by the CFP Constitution and Bylaws.

Recommended Solution: The Conference recommends...:

Article VIII be amended by adding new Section 8.

Article VIII Duties of the Executive Director

Section 1. The Executive Director shall record the minutes of each meeting of the Assembly and the Board.

Section 2. The Executive Director shall tally and record all voting of the Assembly on a form authorized by the Board.

Section 3. The Executive Director shall notify all members of the time and place of the next Conference meeting, and of Issues that are to be deliberated.

Section 4. The Executive Director shall collect registration and membership fees and shall pay all bills as directed by the Board. The Executive Director shall obtain a receipt for all disbursements and shall make all such receipts a part of Board records.

Section 5. The Executive Director shall accomplish the duties outlined in Article VI, Section 10; Article XV, Section 1; and Article XVI, Section 1, Subsections 2, 3, 4, and Section 4.

Section 6. The Executive Director shall prepare a proposed annual budget for presentation to the Board.

Section 7. The Executive Director shall maintain an up-to-date list of the qualified delegates designated as required by Article XIV.

Section 8. The Executive Director shall direct and oversee duties assigned to the Executive Assistant.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 028
Issue: 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.

Title:

CB 7 - CFP Constitution and Bylaws - Amend Article IX Councils with Duties

Issue you would like the Conference to consider:

Amend Article IX Councils by replacing it with Duties of the Executive Assistant. Old Article IX Councils becomes Article X and then renumbering the subsequent Articles and any subsequent references in the CFP Constitution and Bylaws.

Public Health Significance:

The Conference Executive Board has created this new staff position and would like to define the duties of this position.

Recommended Solution: The Conference recommends...:

Article IX be amended to read as follows:

Article IX Duties of the Executive Assistant:

Section 1. The Executive Assistant manages the information on the CFP website with the assistance of the Executive Director and a professional webmaster and publishes the CFP newsletter.

Section 2. The Executive Assistant maintains the CFP membership database; creates reports and rosters, and develops mailing lists.

Section 3. The Executive Assistant assists the Executive Director with development of a Standard Operating Procedures Manual to include Position Descriptions, Board policies and Scripts and is responsible for its maintenance.

Section 4. The Executive Assistant records, transcribes, and distributes Board meeting minutes.

Section 5. The Executive assistant assists the Executive Director with the Delegate process to include outreach and rosters.

Section 6. The executive Assistant assists the Executive Director with the preparation of the

biennial meeting program, provides onsite assistance to the Director at the biennial meeting and compiles biennial meeting proceedings with the assistance of the Executive Director.

NOTE: As a result of the insertion of new Article IX the referenced sections contained within the following Articles will need to be updated:

Article IV, Section 1; Article VI, Section 4; Article VIII, Sections 5 & 7; Article IX, Section 2; Article XIII, Section 1; and Article XVI, Section 4.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 029
Issue: 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.

Title:

CB 8 - CFP Const. and Bylaws - Amend Article XII, Section 2 and add h

Issue you would like the Conference to consider:

Amend Article XII Committees, Section 2 and add new Section 5

Public Health Significance:

Section 2 - The Conference Executive Board has two Committees assisting them in their duties, and requests their inclusion into the Constitution and Bylaws as Standing Committees.

New Section 5 - The Conference Executive Board approves the membership of Councils and any committees the Councils may form. The Board believes it is equally as important to approve the membership of all Conference Standing Committees and requests an amendment to the CFP Constitution and Bylaws.

Recommended Solution: The Conference recommends...:

Article XII, Section 2 be amended by adding "g. Strategic Planning Committee" and "h. Nominating Committee" and new Section 5 be added:

Article XII Committees

Section 1. All appointments to Conference Committees shall be made to provide a balance in representation of the stakeholders in the particular matter under consideration.

Section 2. The following standing committees shall be established:

- a. Program Committee;
- b. Constitution and Bylaws/Procedures Committee;
- c. Resolutions Committee;

- d. Audit Committee;
- e. Food Protection Managers Training, Testing and Certification Committee; and
- f. Issue Committee;
- g. Strategic Planning Committee; and
- h. Nominating Committee.

Section 3. Other committees may be established as necessary to accomplish the Conference objective. Such committees may be for the purpose of focusing Conference resources around specific scientific disciplines, for studying multi-faceted issues, for developing new procedures or for other purposes.

Subsection 1. Local Arrangements Committee shall be established for each Conference meeting.

Section 4. A committee may establish its own bylaws establishing operational procedures that may include, but are not limited to, objectives, organization and operation, duties and responsibilities. Bylaws of a committee must be approved by the Board.

Section 5. By the fall Board meeting following the Conference meeting, the Standing Committee Chairs shall submit the names of their members to the Board for approval.

Submitter Information:

Name: Larry Eils, Chair, Constitution and Bylaws Committee
Organization: NAMA
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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 030
Issue: II-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.

Title:

CB 9 - CFP Constitution and Bylaws - Amend Article XIII, Section 7

Issue you would like the Conference to consider:

Amend Article XIII Duties of the Committees Section 7.

Public Health Significance:

The Conference Executive Board would like to clarify, by amending this Section of the CFP Constitution and Bylaws, that the submission of reports from all the Conference Committees includes the Standing Committees.

Recommended Solution: The Conference recommends...:

Article XIII, Section 7 be amended to read as follows:

Article XIII Duties of the Committees

Section 1. The Issue Committee shall review all Issues submitted at least seventy-five (75) days before the Conference meeting. The Issue Committee shall assign for Council deliberation those Issues that have met the Issue acceptance criteria specified in the Conference Procedures Manual. Issue assignments shall be made in accordance with Article XI, Section 1, Subsection 1, Section 2, Subsection 1 and Section 3, Subsection 1.

Section 2. The Program Committee shall assist the Executive Director and Conference Chair in planning and arranging all Conference meetings and shall assist the Executive Director in the preparation of programs for each Conference meeting.

Section 3. The Constitution and Bylaws/Procedures Committee shall submit recommendations to improve Conference administrative functions through proposals to amend the Constitution and Bylaws. The Committee shall review proposed memorandums of understanding and ensure consistency among the memorandums of understanding, the Conference Procedures

manual, the Constitution and Bylaws and other working documents. The Committee shall report all recommendations to the Board prior to Council II deliberation and shall follow the direction of the Board.

Section 4. The Resolutions Committee shall report to the Board. Except for thank you resolutions, the Resolutions Committee shall prepare all necessary resolutions for Board approval.

Section 5. The Audit Committee shall report to the Board. Except when a certified public accountant conducts an audit of the Conference's financial records, the Audit Committee shall audit the Conference's financial records annually.

Section 6. The Food Protection Managers Training, Testing and Certification Committee shall report to the Board. The Food Protection Managers Training, Testing and Certification Committee shall work with the accreditation organization for food protection manager certification programs to:

- a. Establish and refine policies and standards to which certifiers must conform in order for them to be accredited;
- b. Provide Conference input into the development of accreditation standards for certifying organizations specific to food protection manager certification programs;
- c. Develop strategies for enhancing equivalence among food protection manager certificates issued by certifiers; and
- d. Promote universal acceptance of certificates issued by accredited certifiers.

Section 7. ~~All Committees shall submit a report to be received by the Council Chair and the Conference in a timely manner as specified under Article II, Section 3.~~

All Committees, including Standing Committees, shall submit their report(s) in a timely manner as specified under Article II, Section 3 as follows:

- a. Committees assigned to a Council, to their respective Council;
- b. Standing Committees to the Conference Chair and Executive Director.

Submitter Information:

Name: Larry Eils, Chair, Constitution and Bylaws Committee
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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 005
Issue: II-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.

Title:

2004-6 CFP Food Manager Training Testing and Certification Committee Report

Issue you would like the Conference to consider:

Acceptance of the Committee's Report to the Conference.

Public Health Significance:

Acceptance of the report will ensure the continued support of the Accreditation process. The Accreditation process ensures valid, reliable, legally defensible certificates for Food Managers as one means of fulfilling the Demonstration of Knowledge requirement of the FDA Food Code.

Recommended Solution: The Conference recommends...:

that the Manager Training, Testing and Certification Committee report be accepted and that the dedication of the committee be acknowledged.

Submitter Information:

Name: Roger Hancock
Organization: Albertsons, Inc.
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City/State/Zip: Boise, Idaho 83726
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Attachments:

- "MTTC Board and Conference Report 12-05"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 083
Issue: II-012**

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

All information above the line is for conference use only.

Title:

Non-substantive Changes to the Conference Food Manager Certification Std

Issue you would like the Conference to consider:

The Standing committee for Food Manager Testing Training and Certification continues to enhance the Standard for Accreditation of Food Protection Manager Certification Programs (Standard) so that it stays current and ensures a valid, reliable, and legally defensible certification process. Several specific changes are requested in the Standard to improve ease of reading, repair grammar and punctuation conflicts that lead to ambiguity, and to update wording in the Preamble for completed actions. Attached is a list of the specific changes requested, with rationale for each, accompanied by a current copy of the Standard that shows the changes using the conventional 'strike through and underline' method. Substantive changes which are yellow highlighted will be addressed through a separate issue, the non-substantive changes are not yellow highlighted. These changes will amend the Standard to be more precisely worded and readable so that ambiguity or legal confusion is minimized. Such a Standard is vital for state and local jurisdictions who adopt the Standard, and certifying organizations that must comply with the Standard.

Public Health Significance:

Without question, the public patronizing food establishments is better served when competent individuals in those establishments are responsible and accountable for preventing the conditions and behaviors that lead to foodborne illness. Regulatory and legislative personnel are responsible to provide mechanisms for assuring that such individuals are competent to perform the duties required to protect the public from foodborne illness. Certificates issued by a certifying organization accredited according to the Standard by the accrediting agency chosen by the Conference for Food Protection (Conference) ensure this competency and satisfies the "Demonstration of Knowledge" requirement of the FDA Food Code.

Recommended Solution: The Conference recommends...:

that all items on the list (attached) of recommended non-substantive changes to the Standard and marked on the Standard (attached) without yellow highlight, be approved. That the Standard immediately be updated, transmitted to the accreditation organization, and published on the Conference web site.

Submitter Information:

Name: Roger Hancock - Chair
Organization: CFP Manager Training Testing and Certification Committee
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Attachments:

- "Standards for Accreditation of Food Protection Mgr Cert Prgm ver 2"
- "Details for Non-substantive Changes to the Standard ver 2"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 089
Issue: II-013**

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

Delegate Action: Accepted _____ Rejected _____

All information above the line is for conference use only.

Title:

Substantive Changes to the Conference Food Manager Certification Standard

Issue you would like the Conference to consider:

The Standing Committee for Food Manager Testing Training and Certification continues to enhance the Standard for Accreditation of Food Protection Manager Certification Programs (Standard) so that it stays current and ensures a valid, reliable, and legally defensible certification process. Several specific changes are requested in the Standard to delete redundant or obsolete requirements, and to make certain standards more amenable to evaluation by the agency responsible for the accreditation process. Attached is a list of the specific changes requested, with rationale for each, accompanied by a current copy of the Standard that shows the changes using the conventional 'strike through and underline' method. Substantive changes are yellow highlighted. Non-substantive changes are not yellow highlighted and will be addressed through a separate issue. These changes will amend the Standard to keep it current and forward looking to encourage the adoption of the Standard by those jurisdictions that have not yet done so.

Public Health Significance:

The conditions and behaviors contributing to food borne illness are well known. Recent government studies have supported the long-standing belief of the CFP Manager Training, Testing and Certification Committee: fewer behaviors associated with food born illness exist in those establishments having a certified Food safety Manager. Thus, it is in the public interest to encourage the requirement for and employment of competent persons in that capacity. Clear, professional, reasonable, and modern standards for accrediting programs certifying such personnel encourage regulators and legislators to adopt these requirements for their own jurisdictions.

Recommended Solution: The Conference recommends...:

that all items on the list (attached) of recommended substantive changes to the Standard be approved, and the Standard (attached) immediately be updated, transmitted to the accreditation organization, and published on the Conference web site.

Submitter Information:

Name: Roger Hancock (for CFP Manager Training Testing and Certification Committee)
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Attachments:

- "Substantive Changes to Standard recommendation "
- "Standards for Accreditation of Food Protection Mgr Cert Prgm ver 2"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 105
Issue: 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.

Title:

Removal of Annex B from the Standards for Accreditation of Food Mgr Cert

Issue you would like the Conference to consider:

The Standing Committee for Food Manager Testing Training and Certification continues to enhance the Standard for Accreditation of Food Protection Manager Certification Programs (Standard) so that it best communicates not only the standards that must be met by certifying bodies, but also the intent for how individuals demonstrate competency to become certified. Through significant committee deliberations and the expertise of a world-class consultant, the committee has further refined the intent for certification as a test-driven process. By consensus, the committee adopted the following statement and rationale:

"The Committee recognizes the importance and need for the provision of food safety training to all food employees and managers. The committee recommends the content of food protection manager training programs be consistent with Paragraph 2-102.11 (C) of the most recent FDA Food Code. CFP should continue promoting the information contained in the Food Code as well as any existing relevant public information that can assist training program providers in developing course content, instead of providing training standards or guidelines.

"In the absence of accreditation of training programs, any training recommendations or guidance provided by the Conference for Food Protection becomes standards, requirements or guidelines that jurisdictions use to evaluate training programs. When jurisdictions evaluate training as a component of certification, it undermines the process that CFP has already put in place, because a stand alone test or certificate from an accredited provider can no longer serve as the sole determiner of knowledge competency."

Based on this refined position, the need for existing Annex B "Guidelines for Food Protection Manager Certification Training Programs" is unnecessary. In fact, the existence of the Annex creates a mock standard that can mistakenly be adopted by well-intentioned jurisdictions.

The best remedy to prevent unnecessary confusion or perceived requirements for either training programs, or certification candidates, is to remove Annex B from the Standard. In its place, the committee calls for the CFP to "continue promoting the information contained in the Food Code as well as any existing relevant public information that can assist training program providers in developing course content, instead of providing training standards or guidelines."

Public Health Significance:

Public health will neither be enhanced nor jeopardized by the removal of Annex B from the Standards for Accreditation of Food Protection Manager Certification Programs. Certification will continue to occur and add to the increased compliance in food establishments that it has been shown to generate.

Recommended Solution: The Conference recommends...:

that the existing Annex B of the Standard be removed, that the existing Annex C be renamed Annex B, and that the current wording in the Preamble that relates to Annex B be removed from the Preamble.

Submitter Information:

Name: Roger Hancock (for CFP Manager Training Testing and Certification Committee)
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Attachments:

- "Section of Preamble and entire Annex B to be removed from Standards"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 106
Issue: 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.

Title:

Future Charge for the Food Manager Training Testing and Certification Comm.

Issue you would like the Conference to consider:

The Food Manager Training Testing and Certification committee must continue to keep the Standards for Accreditation of Food Protection Manager Certification Programs current and applicable to the dynamic world of food service and food retail in order to provide the public health protection intended by the Standards. As these businesses are increasingly impacted by a global marketplace, it becomes necessary for the Standards maintained by the Conference to align with similar standards internationally.

The Standing Committee for Food Manager Training Testing and Certification should be charged with investigating what is needed to ensure comparability between the current Standards for Accreditation of Food Protection Manager Certification Programs with international standards that exist for personnel engaged in the food business. The committee should bring back to the next biennial meeting of the Conference for Food Protection any recommendations necessary to modify or enhance the Standards to attain such comparability.

Public Health Significance:

The public's health will continue to be served by further enhancing the Standards for Accreditation of Food Protection Manager Certification Programs to compare with such standards for like positions as they exist in the international community.

Recommended Solution: The Conference recommends...:

that, in addition to the committee's responsibilities per the committee's by-laws, the Standing Committee for Food Manager Training Testing and Certification be charged with:

- 1) investigating what is needed to ensure comparability between the current Standards for Accreditation of Food Protection Manager Certification Programs and international standards that exist for personnel engaged in the food business, and
- 2) making recommendations to the Conference Board at regular Board meetings, and
- 3) submitting issues to the next biennial meeting of the Conference containing any recommendations necessary to modify or enhance the Standards to attain such comparability.

Submitter Information:

Name: Roger Hancock (for CFP Manager Training Testing and Certification)

Organization: Committee)
Albertsons
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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 035
Issue: II-016**

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

All information above the line is for conference use only.

Title:

Food Allergy Minimum Level of Knowledge for Person in Charge

Issue you would like the Conference to consider:

I respectfully request that the Conference for Food Protection consider whether or not managers, chefs, and persons in charge of retail establishments should receive a minimum level of knowledge of food allergy information through required food safety training and if this should be incorporated into the Certified Food Manager exam recognized by the CFP.

Public Health Significance:

In retail establishments, food allergies represent a real risk with real consequences - and they need to be proactively managed for the following reasons:

A) Growing Public Health Issue. Food allergies are increasing and account for 30,000 emergency room visits and up to 200 deaths each year. The current consensus among scientists is that about 11 million Americans suffer from a food allergy. Several published studies have shown that reactions occur in restaurants, some leading to death. One study of 32 fatal reactions showed that approximately half (47%) of the deaths occurred as a result of restaurant meals. In a study of severe peanut and tree nut reactions, scientists learned that reactions were caused by preventable circumstances such as server error, ingredient switches, lack of communication between the kitchen staff and the wait staff, and cross-contact between allergy-free and allergy-containing food. A survey of 490 attendees at patient conferences sponsored by the Food Allergy & Anaphylaxis Network in 2003 showed that 93% had eaten in a restaurant in the past year, and 47% reported having a reaction. This survey showed that food-allergic consumers are eating in restaurants.

B) New Food Code Requirements. In section 2-102.11(C) of the 2005 FDA Food Code, the section of the Code that spells out requirements for Demonstration of Knowledge, the FDA added a new subsection, 2-102.11(C)(9), that requires the person in charge of a food establishment to be able to "describe foods identified as major food allergens and the symptoms the major food allergen could cause in a sensitive individual who has an allergic reaction." In addition, in section 3-602.11 (B) concerning Food Labels, a new subsection (5) has been added which states that food labels must contain "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."

C) Uniformity. Because there is no standardized requirement for managers, chefs, or persons in charge of retail establishments to receive training on basic food allergy information, legislative efforts have taken shape in several states. New Jersey enacted a law in 2004 that calls on the Department of Health and Senior Services to collaborate with local health officials on getting food allergy information into the hands of restaurant managers. A 2004 Connecticut law requires that food allergy be part of the testing content for the certification of restaurant operators. Furthermore, bills addressing restaurants and food allergies have been introduced in Massachusetts, Illinois, North Carolina, Rhode Island, and New York.

Recommended Solution: The Conference recommends...:

that managers, chefs, and persons in charge of retail establishments receive a minimum level of knowledge of food allergy information through required food safety training and that this be incorporated into the Certified Food Manager exam recognized by the CFP.

Submitter Information:

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 001
Issue: II-017**

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

All information above the line is for conference use only.

Title:

Food Safety Certification Test

Issue you would like the Conference to consider:

There are various Food Safety Certification Courses and Tests that have been nationally accepted for a long time. These are good courses with some great materials. However, more often than not, the tests seem to be written more as a means to determine the participant's ability to answer trick questions vs. what it should do - test the participant's knowledge. In Illinois, for example, there is a requirement that a restaurant must have a certified person on duty for all open hours of operation. Our company has also adopted this as a policy. Consequently, we have hourly servers and cooks getting certified (as we are a 24 hour operation). To me, this policy is wonderful - the more certified and knowledgeable people we have in our restaurants, the safer we'll all be. We also have quite a number of people taking the course and test whose primary language is not English. While their knowledge is very apparent via their class participation, oftentimes, they may fail the test. Why can't the test questions be written more straight forward? Sometimes, it is hard enough for people whose primary language is English to understand the question - let alone a person whose primary language is not English. I'm not saying the tests need to be easier. I am saying that the tests need to be written in a straight forward manner and that the tricky questions have no place in tests whose intent should be to determine knowledge and comprehension. If we only certify managers, we are not certifying the people who are closest to the food - our hourly employees. Thank you for your consideration.

Public Health Significance:

The more people we have certified in food safety, the safer we'll all be.

Recommended Solution: The Conference recommends...:

requiring the test writers everywhere to make all of their test questions straight forward and to the point. Questions that test a person's ability to answer trick questions should be eliminated and replaced with questions designed to test one's knowledge. After all, much of food safety is common sense and simple. If the test is written with questions that don't make sense to people because of the poor way in which they are worded, the issue certainly becomes complicated.

Submitter Information:

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 014
Issue: 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.

Title:

Program Standards Committee Report

Issue you would like the Conference to consider:

The CFP Program Standards Committee seeks Council II's acknowledgement of its committee report and requests that a new committee be created to continue the work of the Program Standards Committee.

Public Health Significance:

In addition to its summary report Issue and attached Report, the Program Standards Committee has submitted six issues for consideration at the 2006 meeting of the Conference for Food Protection. These issues have been studied carefully, and the members of the Program Standards Committee believe the recommendations offered in the issues will enhance the criteria and protocol of the FDA's *Draft Voluntary National Retail Food Regulatory Program Standards*. The Program Standards Committee serves as an effective conduit for getting suggested changes into the conference in an orderly fashion with stakeholder input.

Recommended Solution: The Conference recommends...:

acknowledgement of the Conference for Food Protection Program Standards Committee report and the creation of a 2006-2008 Program Standards Committee to complete the projects begun by this Committee.

Submitter Information:

Name: Diann S. Worzalla, RS, MPA - Committee Chair
Organization: 2004-2006 Program Standards Committee
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Attachments:

- "2006 Program Standards Committee Report"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 008
Issue: 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.

Title:

Program Standards Committee - Standard No. 3 Clarifying Language

Issue you would like the Conference to consider:

The CFP Program Standards Committee seeks the Conference's approval to add clarifying language to Standard No. 3 of the *Draft Voluntary National Retail Food Regulatory Program Standards*, regarding the need for inspection forms to include IN COMPLIANCE, OUT OF COMPLIANCE, NOT OBSERVED, and NOT APPLICABLE.

Public Health Significance:

In 1998 the Food and Drug Administration (FDA) developed the *Draft Voluntary National Retail Food Regulatory Program Standards* (hereafter called the Standards) which consist of nine standards. Standard No. 3 - Inspection Program Based on HACCP Principles, establishes an inspection program that focuses on the status of risk factors, determines and documents compliance, and targets immediate and long-term correction of out-of-control risk factors through active managerial control. As currently written, the Standard's language does not clearly state that the inspection form requires the selection of IN, OUT, not observed (NO), or not applicable (NA) for each risk factor. The CFP Program Standards Committee, the CFP Inspection Form Ad Hoc Committee and the Clearinghouse Work Group all agree that this revision is necessary to clarify the original intent of Standard No. 3.

Recommended Solution: The Conference recommends...:

that a letter be written to FDA endorsing and recommending the revisions to FDA's *Draft Voluntary National Retail Food Regulatory Program Standards*, Standard No. 3 as indicated in Attachment 1 "Standard 3 rewrite."

Submitter Information:

Name: Diann S. Worzalla, RS, MPA - Program Standards Committee Chair
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Address: 1940 North Monroe Street
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Attachments:

- "Standard 3 - Rewrite.pdf"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 009
Issue: II-020**

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

All information above the line is for conference use only.

Title:

Standard No. 4 and Appendix D Clarifying Language

Issue you would like the Conference to consider:

The CFP Program Standards Committee seeks the Conference's approval to clarify the *Draft Voluntary National Retail Food Regulatory Program Standards*, to ensure that each inspection documents the compliance status of each risk factor and intervention (i.e., IN compliance, OUT of compliance, Not Observed, or Not Applicable) through observation and investigation.

Public Health Significance:

In 1998 the Food and Drug Administration (FDA) developed the *Draft Voluntary National Retail Food Regulatory Program Standards* (hereafter called the Standards) which consist of nine standards. Standard No. 4 - Uniform Inspection Program, 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. As currently written, the standard does not clearly state that inspection forms must document the compliance status of each risk factor and intervention. The CFP Program Standards Committee, the CFP Inspection Form Ad Hoc Committee and the Clearinghouse Work Group all agree that this revision is necessary to clarify Standard No. 4 while improving the overall consistency and uniformity of the Program Standards.

Recommended Solution: The Conference recommends...:

that a letter be written to FDA endorsing and recommending the revisions to FDA's *Draft Voluntary National Retail Food Regulatory Program Standards*, Standard No. 4 and Appendix D as indicated in Attachment 1 "Standard 4 rewrite" and Attachment 2 "Appendix D rewrite."

Submitter Information:

Name: Diann S. Worzalla, RS, MPA - Program Standards Committee Chair
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Attachments:

- "Standard 4 - Rewrite.pdf"
- "Appendix D - Rewrite.pdf"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 010
Issue: 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.

Title:

Program Standards Committee - Standard No. 6 Clarifying Language

Issue you would like the Conference to consider:

The CFP Program Standards Committee seeks the Conference's approval to add clarifying language to Standard No. 6 of the *Draft Voluntary National Retail Food Regulatory Program Standards*, regarding the need for inspection report form(s) that record and quantify the compliance status of risk factors and interventions (i.e. IN compliance, OUT of compliance, Not Observed, and Not Applicable).

Public Health Significance:

In 1998 the Food and Drug Administration (FDA) developed the *Draft Voluntary National Retail Food Regulatory Program Standards* (hereafter called the Standards) which consist of nine standards. Standard No. 6 - Compliance and Enforcement, applies to all compliance and enforcement activities used by a jurisdiction to achieve compliance with regulations. As currently written, the Standard's language does not clearly state that the inspection form requires the selection of IN, OUT, NO, or NA for each risk factor. The CFP Program Standards Committee, the CFP Inspection Form Ad Hoc Committee and the Clearinghouse Work Group all agree that this revision is necessary to clarify Standard No. 6 while improving the overall consistency and uniformity of the Program Standards.

Recommended Solution: The Conference recommends...:

that a letter be written to FDA endorsing and recommending the revisions to FDA's *Draft Voluntary National Retail Food Regulatory Program Standards*, Standard No. 6 as indicated in Attachment 1 "Standard 6 rewrite."

Submitter Information:

Name: Diann S. Worzalla, RS, MPA - Program Standards Committee Chair
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Attachments:

- "Standard 6 - Rewrite.pdf"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 011
Issue: 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.

Title:

Program Standards Committee -Standard No. 6, Appendix F Clarifying Language

Issue you would like the Conference to consider:

The CFP Program Standards Committee seeks the Conference's approval of the recommended language revisions to Appendix F of the *Draft Voluntary National Retail Food Regulatory Program Standards*.

Public Health Significance:

In 1998 the Food and Drug Administration (FDA) developed the *Draft Voluntary National Retail Food Regulatory Program Standards* (hereafter called the Standards) which consist of nine standards. Standard No. 6 - Compliance and Enforcement, applies to all compliance and enforcement activities used by a jurisdiction to achieve compliance with regulations. Appendix F, supplement to Standard No. 6, provides detailed instructions for selecting the sample and completion of the work sheet. Significant modifications to Appendix F have been made to better explain the pass/fail criteria, the "start-point inspection" and the "alternate sample list." The CFP Program Standards Committee and the Clearinghouse Work Group both agree that these revisions are necessary to clarify Appendix F, while improving the overall consistency and uniformity of the Program Standards.

Recommended Solution: The Conference recommends...:

that a letter be written to FDA endorsing and recommending the revisions to FDA's *Draft Voluntary National Retail Food Regulatory Program Standards*, Appendix F to include the revised language in Attachment 1 "Standard 6 - Appendix F - Rewrite."

Submitter Information:

Name: Diann S. Worzalla, RS, MPA - Program Standards Committee Chair
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Attachments:

- "Standard 6 - Appendix F - Rewrite"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 012
Issue: 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.

Title:

Program Standards-Appendix F, "add of Explanation of the Statistical Model"

Issue you would like the Conference to consider:

The CFP Program Standards Committee seeks the Conference's approval to add the "Explanation of the Statistical Model" document language to the end of Appendix F of the *Draft Voluntary National Retail Food Regulatory Program Standards*.

Public Health Significance:

In 1998 the Food and Drug Administration (FDA) developed the *Draft Voluntary National Retail Food Regulatory Program Standards* (hereafter called the Standards) which consist of nine standards. Standard No. 6 - Compliance and Enforcement, applies to all compliance and enforcement activities used by a jurisdiction to achieve compliance with regulations. Appendix F, supplement to Standard No. 6, provides detailed instructions for completion of the work sheet but does not explain the statistical model criteria used for evaluating the performance of a jurisdiction. The addition of a statistical explanation to Appendix F would provide greater guidance and instruction towards achieving compliance with the standard. The FDA Program Standards Workgroup and the Retail Food Steering Committee agreed to this model, with guidance from the CFSA Division of Mathematics. The CFP Program Standards Committee and the Clearinghouse Work Group both agree that this document is a necessary and helpful tool to clarify Appendix F while improving the overall consistency and uniformity of the Program Standards.

Recommended Solution: The Conference recommends...:

that a letter be written to FDA endorsing and recommending the revisions to FDA's *Draft Voluntary National Retail Food Regulatory Program Standards*, to include the "Explanation of the Statistical Model" document at the end of Appendix F as reflected in Attachment 1 "Statistical Methods - Addition to Appendix F."

Submitter Information:

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Attachments:

- "Statistical Methods - Addition to Appendix F.pdf"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 013
Issue: 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.

Title:

Program Standards Committee - Standard No. 9 Clarifying Language

Issue you would like the Conference to consider:

The CFP Program Standards Committee seeks the Conference's approval to add clarifying language to Standard No. 9 of the *Draft Voluntary National Retail Food Regulatory Program Standards*, regarding the need for a survey tool similar to Appendix J, including the requirement to use the IN, OUT, not observed (NO), or not applicable (NA) convention for each risk factor in order to get reliable data.

Public Health Significance:

In 1998 the Food and Drug Administration (FDA) developed the *Draft Voluntary National Retail Food Regulatory Program Standards* (hereafter called the Standards) which consist of nine standards. Standard No. 9 - Program Assessment, applies to the process used to measure the success of jurisdictions in meeting Standards 1 through 8 and their progress in reducing the occurrence of foodborne illness risk factors. Additionally, it applies to the requirements for recognition by the Food and Drug Administration of those jurisdictions meeting the Standards. As currently written, the Standard's language does not clearly state that for achievement of Standard 9, a survey tool similar to Appendix J, using the IN, OUT, NO, and NA convention for each risk factor is required in order to get reliable data. The FDA survey instrument shown as Appendix J is not intended as an inspection form. However, jurisdictions that have developed an inspection form using the IN, OUT, NO, and NA convention may use that form as a survey instrument. The CFP Program Standards Committee, the CFP Inspection Form Ad Hoc Committee and the Clearinghouse Work Group agree that this revision is necessary to clarify the original intent of Standard No. 9.

Recommended Solution: The Conference recommends...:

that a letter be written to FDA endorsing and recommending the revisions to FDA's *Draft Voluntary National Retail Food Regulatory Program Standards*, to include the revised language as indicated in Attachment 1 "Standard 9 rewrite."

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Attachments:

- "Standard 9 - Rewrite.pdf"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 078
Issue: 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.

Title:

2004-06 CFP Interdisciplinary Food Borne Illness Training Committee Report

Issue you would like the Conference to consider:

Acknowledgement of the Committee's report to the Conference

Public Health Significance:

Acknowledgement of the report will ensure the continued support of the development of food borne illness investigation training and procedures.

Recommended Solution: The Conference recommends...:

that the Interdisciplinary Food Borne Illness Training Committee Report **and the dedication of the committee** be acknowledged.

Submitter Information:

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Attachments:

- "CFP Interdisciplinary Food Borne Illness Training Report"
- "Foodborne Illness Investigation Manual - Multnomah County Health Dept"
- "CFP Interdisciplinary committee report 2004-2006"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 084
Issue: 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.

Title:

Support and funding for food borne illness training and standardization

Issue you would like the Conference to consider:

The Interdisciplinary Food Borne Illness Training Committee found a wide range of food borne illness investigation programs, training plans, training requirements, and materials. As a result of the efforts of CDC, FDA and others, many different groups and organizations are working on this issue. It is critical that the information from all these different groups be brought together, aligned and provided to all agencies and industry in the United States. With both interstate and international movement, sale and consumption of foods, standardization of training and investigations are critical to proper co-ordination of investigation and analysis of outbreaks.

Public Health Significance:

Standardization and Training in food borne illness investigation and reporting procedures are fundamental to on-going analysis of the continual changes in food borne illness patterns and sources. Proper investigations, conclusions and reporting allow for analysis and improvement to the food borne illness standards as defined in both the Food Code and other documents

Recommended Solution: The Conference recommends...:

That a letter be sent to the FDA, USDA, CDC, CSTE, NACCHO, NEHA, National Restaurant Association, Food Marketing Institute and other appropriate governmental agencies and industry associations requesting collective action using significant resources to significantly strengthen training in food borne illness investigation and reporting procedures in the United States. Coordinated, standardized investigations and training are fundamental to on-going analysis of the continual changes in food borne illness patterns and sources. Proper investigations, conclusions and reporting allow for analysis and improvement to the food borne illness standards as defined in both the Food Code and other documents

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 094
Issue: II-027**

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

All information above the line is for conference use only.

Title:

Comprehensive Standard for Food Borne Illness Investigation

Issue you would like the Conference to consider:

The CFP Interdisciplinary Food Borne Illness Training Committee is requesting that actions be taken to strengthen food borne illness training, and food borne illness investigation and reporting procedures, through the creation of a single standard with specific reference tools and materials to assure consistent investigations and analysis.

There are many good food borne illness documents. But some of these have not been updated in many years. There is no single detailed reference with supporting materials.

Examples of just a few of these reference documents are listed in the recommended solution.

Public Health Significance:

Without a single, comprehensive, detailed document for food borne illness investigations, these investigations have a wide-ranging set of outcomes and often inconclusive or incorrect analysis.

Recommended Solution: The Conference recommends...:

a standard for food borne illness investigations be created by FDA, together with CDC, USDA, NACCHO, CSTE and other governmental organizations, and industry associations and interested companies, that includes

- specific protocol for food borne illness investigation referencing flow charts, forms to use and decisions to be made.

- specific policies and instructions on reporting to media and the public information on food borne illness investigations and their findings. This would include basic decision standards.

- specific instructions of what industry must do to support an investigation and the role they must play in the investigation. These more defined responsibilities would be included in section 8-501 of the Food Code.

- Specific standards for training and certification of a person a) managing, b) leading, and c) supporting (various roles) a food borne illness investigation.

- A single document that has simplified "What do I do" instructions for the "person on the ground" involved with an investigation. In the same fashion as industry has simple recipe or "prep" cards

(procedures), these cards or reference sheets would be used by everyone from a regulatory official to an industry person. The cards would explain the tasks, decisions, duties and responsibilities of everyone.

While not directly attached to this issue, the attached list of documents is included as just a few of the existing references on food borne illness investigation and analysis, yet there is no single document for the regulatory officials and industry representatives to follow:

1. *Procedures to Investigate Foodborne Illness, 5th edition, 1999, published by the International Association for Food Protection.*
2. *Procedures to Investigate Waterborne Illness, 2nd edition, 1996, published by the International Association for Food Protection.*
3. *Control of Communicable Diseases Manual, 17th edition, 2000.*
4. *2005 Food Code*
5. *FDA Investigations Operations Manual 2002*
6. *CDC. Diagnosis and Management of Foodborne Illnesses. A Primer for Physicians and other Health care Professionals. MMWR, April 16, 2004/ Vol. 53/No.RR-4*
7. *CDC. Principles of Epidemiology. Self-Study Course SS3030. Second Edition, October 1998*
8. *UNC. An Overview of Outbreak Investigations. Focus on Field Epidemiology. UNC School of Public Health; Vol.1 Issue 1. 2004*
9. *Control of Communicable Diseases Manual, 18th edition. David Haymann, (ed). APHA, 2004*
10. *Rhode Island Department of Health. Guidelines for Investigating Foodborne Outbreaks, 2004.*

Submitter Information:

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 079
Issue: II-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.

Title:

Interdisciplinary Food Borne Illness Training Committee 2006-08 Charges

Issue you would like the Conference to consider:

The committee would like CFP to create a 2006-2008 CFP Interdisciplinary Food Borne Illness Training Committee to continue the work of the 2004-2006 Committee.

Public Health Significance:

The need is great to better train those handling food borne illness reports, especially considering the potential for bio-terrorism and the use of disease to attack the United States, developing or new diseases that could spread rapidly, and the fact that local and State health departments are first responders. The rapid investigation of food borne illness outbreaks and identification of source(s) is critical to protection of the public. The ability of all governmental agencies and industry to work together will be of national concern to the health and welfare of the public. The ability of all disciplines to work well together following more standardized investigation procedures and analysis will be fundamental to providing accurate information to epidemiologists and those who monitor the nation's health.

Recommended Solution: The Conference recommends...:

that a new 2006-2008 Interdisciplinary Food Borne Illness Training Committee be created to continue the work of the 2004-2006 and specifically address the following charges:

§ Continue to catalogue existing food borne illness investigation programs, existing food borne illness investigation training programs, and investigation and training materials. Work with FDA ORA-U, NACCHO, CSTE and others to prepare a summary of this information.

§ Continue the dialogue within and outside of the Committee to address the standards of training required for each level of responsibility in a regulatory agency performing a food borne illness investigation, and to include definitions of industry responsibilities and requirements.

§ Develop recommendations to improve sustainability and rapidly broaden dissemination of the Epi-Ready program and additional programs created through FDA ORA-U, and others.

§ Prepare and publish Committee updates to the Council II Chairs, with recommendations, due 45 days or earlier prior to each CFP Board meeting.

§ Submit issues to the 2008 Conference to further improve food borne illness training and

investigation, and to include food borne illness investigation procedures and requirements in the Food Code.

Submitter Information:

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 034
Issue: II-029**

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

All information above the line is for conference use only.

Title:

CFP Inspection Form Ad Hoc Committee Report

Issue you would like the Conference to consider:

Acknowledgment of the Inspection Form Ad Hoc Committee's report to the CFP Conference.

Public Health Significance:

Continued support of the Committee's progress made to the Inspection Form, Marking Instructions and Code References promotes inspection uniformity in all regulatory jurisdictions, one outcome of the FDA Voluntary Retail Food Program Standards, and enhances food safety efforts nationally. The promotion of a risk based inspection report format and process, with a focus on the sharing and applying of the latest food safety knowledge, allows all stakeholders to have a share in the endeavor to promote a safe national food supply and thereby reduce the incidence of food borne illness.

Recommended Solution: The Conference recommends...:

acknowledgment of the Committee's Report to the Conference.

Submitter Information:

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Attachments:

- "CFP Inspection Report Form Changes"
- "Inspection Form Ad Hoc Committee Report"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 018
Issue: II-030**

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

All information above the line is for conference use only.

Title:

Changes to Inspection Report Form, Marking Instructions and References

Issue you would like the Conference to consider:

Changes in the 2005 Food Code have necessitated that changes be made to the Food Establishment Inspection Report (Annex 7, Form 3A), Food Code References (Annex 7, Guides 3B) and Marking Instructions (Annex 7, Guide 3C). The specific changes requested have been spelled out in Attachment 1. The sections changed in the 2005 Food Code that have necessitated these changes are as follows: 2-102.20, 2-201.11, 2-201.12, 2-201.13, 3-301.11(B), 3-301.11(D), 4-101.13, 4-204.122, and Chapter 5 (references to handwash sinks vs. handwash facilities). Please refer to Attachment 1 for a detailed analysis of how the changes in these sections affect the marking instructions, forms and food code references.

Public Health Significance:

In order for all conditions to be accurately and consistently marked during inspections, it is critical to have them properly designated on the Food Establishment Inspection Report Form, Marking Instructions, and References. If marking instructions are not accurate, improper and inconsistent marking of the report may result from the confusion over the rationale of marking items in various locations.

Recommended Solution: The Conference recommends...:

that the Food Establishment Inspection Report (Annex 7, Form 3A), Food Code References (Annex 7, Guides 3B) and Marking Instructions (Annex 7, Guide 3C) in the 2005 Food Code be amended to reflect the suggested changes identified in Attachment 1.

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Attachments:

- "CFP Inspection Form Changes"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 033
Issue: II-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.

Title:

Amendment to the Marking Instructions for the Inspection Report Form

Issue you would like the Conference to consider:

The Marking Instructions that were accepted at the 2002 CFP Conference and included in Annex 7 of the 2005 FDA Food Code were an excellent first step in providing information to the users on how to complete the Inspection Report Form. There is now an opportunity to improve the content and quality of the Marking Instructions by:

1. Consolidating the Marking Instructions and Food Code References into one document;
2. Providing a consistent format for instructions with explanations and examples; and
3. Providing Marking Instructions for the Good Retail Practice items on the Inspection Report Form.

Public Health Significance:

The introduction of the Inspection Report Form has been seen as an important step in ensuring that all regulatory agencies document regulatory compliance in a uniform and consistent way. Improved Marking Instructions will make it easier for inspectors to more accurately complete the form and will increase the likelihood that inspection reports will be completed in a consistent fashion.

1. Consolidating the Marking Instructions and Food Code References into one document

In completing the Inspection Report Form, the Inspector may need to refer to the Marking Instructions for guidance. However, the Inspector may not be aware that the Marking Instructions and Code References are in separate Sections in Annex 7 of the 2005 FDA Food Code:

Guide 3-B Food Code References Specified on the Food Establishment Inspection Report

Part 1. Risk Factors and Interventions

Part 2. Good Retail Practices

Guide 3-C Instructions for Marking the Food Establishment Inspection Report

Assuming the inspector is aware that there are two separate sections, it nevertheless forces the Inspector to flip back and forth between the Marking Instructions, the Code References, and then to the Actual Food Code for a specific reference. It would be much easier if the Food Code References were integrated with the Marking Instructions.

2. Providing a consistent format for instructions with explanations and examples

The amount of information provided in the Marking Instructions on the individual item numbers on the Inspection Report Form is inconsistent. Some of the Risk Factors/Public Health Interventions have a reasonable explanation on the intent of the item; other items have little to no explanation.

3. Providing Marking Instructions for the Good Retail Practice items on the Inspection Report Form

Unlike the Risk Factor & Intervention Items, the GRP items on the form have no specific instructions at all. Some explanation should also be included for the GRP items.

Providing a standardized format in the explanation provided in the Marking Instructions, including the GRP items, will improve consistency and accuracy in recording observations on the Inspection Report Form.

Recommended Solution: The Conference recommends...:

that the work of this Ad Hoc Committee be continued to develop improved Marking Instructions. That the Committee work in conjunction with the FDA Standards Committee on improvements to the Marking Instructions.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 017
Issue: II-032**

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

All information above the line is for conference use only.

Title:

Electronic Inspection Report Form, Data Maintenance and Report Generation

Issue you would like the Conference to consider:

Assuming it is broadly adopted, the introduction of a standardized Inspection Report Form combined with well thought out marking Instructions and references will contribute significantly towards the capture of clear, concise and fairly presented inspection information.

The next logical step from paper and pen in the evolution of the Food Establishment Inspection Report Form is to make it available electronically to inspectors to help improve consistency in marking conditions found at the time of the inspection.

The CFP Inspection Form Committee believes the ability to capture inspection data in an electronic format and to then be able to manage the data as well as generate custom reports is an important aspect of a quality food safety inspection program.

As government agencies, especially at the local level, are increasingly seeing their budgets for food safety shrink, they often do not have adequate financing to purchase, create and maintain their own computer programs and equipment for a food safety inspection program. However, there are private companies that may have programs which could be adapted to this use.

Research should be conducted to determine what software programs are currently available for this use and which programs provide the significant electronic components that would most benefit a regulatory food agency. While the CFP should not endorse any one program more than others, the CFP could serve a valuable role by making electronic inspection information available to the regulatory food agencies. It would then be the decision of the jurisdiction seeking use of this material to determine which resource would be best for their use.

Public Health Significance:

The ability to electronically capture and maintain inspection data, as well as to generate reports, should provide benefits to a food safety inspection program, including the following:

- Identify risks and violation trends which occur most frequently and ensure that focus is placed on their resolution.
- Organize inspections based on risk and automatically schedule future inspections.
- Facilitate monitoring a food program's establishment inventory to ensure comprehensive and

prioritized coverage.

- Highlight and track compliance issues more effectively including improving efficiency of follow-up and regulatory actions.
- Evaluate inspector consistency and training needs.
- Share consistent inspectional data with consumers and the media, as well as other jurisdictions.
- Generate effective reports regarding program elements that need to be given higher priority and possibly additional resources when common issues of concern are revealed.

With these improvements to inspectional programs, we will be further promoting a safer national food supply.

Recommended Solution: The Conference recommends...:

that the Inspection Form Committee be continued to identify:

- Electronic software programs and hardware that could be used by retail regulatory food agencies to improve their inspection programs;
- Needs of the regulatory food agency inspection programs that could be answered by use of an electronic inspection program;
- Elements for incorporation into a single, national, uniform electronic inspection program that could be recommended by the Program Standards and Inspection Form Committees that would benefit all retail food inspection agencies.
- Other items which may be evaluated include the methodology used in the programs such as:

1. A data definition, such as an XML schema, which defines the information, format and sequence to be exchanged.

2. A data exchange framework that defines how information should be exchanged between parties.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 032
Issue: II-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.

Title:

Development of a Training Program on the Food Inspection Report Form

Issue you would like the Conference to consider:

Annex 7 of the 2005 FDA Food Code has incorporated the new CFP Food Inspection Report Form. In developing the Inspection Report Form format and Marking Instructions for the 2002 and 2004 Conference, it was never the intent of the Inspection Form Committee that this information be used as a "training program." The Marking Instructions and Code References were meant to be used as resource documents by an inspector already experienced with the Inspection Form.

The Inspection Form Ad Hoc Committee is recommending FDA develop and implement a formalized training program on the methodology for conducting risk-based inspections and the use of the Inspection Report Form. This training could be within an existing course curriculum program, such as the FDA Food Code, Managing Food Safety or the Pre-Standardization courses, and/or provided on-line through ORA-U.

Public Health Significance:

Since this inspection format and process is new to many inspectors, it is important that they are properly trained on the use of the form. One major change with this form is that the inspector will be able to determine and more accurately assess a firm's operation for compliance with the regulatory provisions of the Federal Food Code, Food Code Risk Factors and Food Code Public Health Interventions, rather than using the traditional inspection approach of identifying violations. Utilizing only the Marking Instructions and Code References does not constitute sufficient training on the new Inspection Report Form. A formalized training program will make it easier for inspectors to more accurately complete the form and improve the likelihood that their reports will be completed in a consistent fashion. This type of training was previously conducted prior to the first published 1993 Food Code, in which FDA provided training on the "44 item check-off" Inspection Form. The development of a training program is necessary to enhance uniformity and consistency in using this new model Inspection Report Form, in combination with its supplemental resource documents.

Recommended Solution: The Conference recommends...:

that the Conference Chair send a letter to FDA recommending that FDA develop a training program for regulatory agencies on the use of the Inspection Report Form as outlined in Annex 7 (Form 3-A, Guide 3-B, & Guide 3-C) of 2005 FDA Food Code.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 019
Issue: II-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.

Title:

Inspection Report Form Scoring

Issue you would like the Conference to consider:

The concept of scoring of Food Establishment Inspection Reports utilizing Annex 7, Form 3A and Guides 3B and 3C, is perceived in many different ways by individuals. Some feel that scoring can give an unrealistic picture of the overall sanitation and safety of a food establishment and that once the inspection is completed the operator is only interested in seeing their score and does not care about the actual items which are not in compliance. Others feel that scoring is an objective way to measure, compare and evaluate the progress of a food establishment inspection program. Consumers and the news media also like traditional scoring systems for the same reasons, and because they believe they are easier to understand. However, scoring does not always reflect the relative safety of food prepared in the establishment or the risk of that establishment to the consumer. Currently, the Food Establishment Inspection Report Form in the 2005 Food Code uses a scoring mechanism that tallies the number of critical and repeat critical violations.

Public Health Significance:

An effective evaluation and scoring system may accomplish several things:

- Give the regulatory food agency confidence that they are expending resources where they are most needed to protect the consumers;
- Motivate food establishment operators to want to improve so that they are operating as safely as possible;
- Provide the multi-unit operators with consistent standards that they can employ across state and local jurisdictional lines.
- Provide the consumer with valuable, nationally consistent information that can be utilized to reduce their risks when eating out by reviewing positive as well as negative items listed on the inspection report;
- Effectively reduce critical and repeat violations, especially when the scoring system is risk based;
- Provide all regulatory food jurisdictions with a uniform mechanism to evaluate and score food establishments in a manner consistent with other similar agencies, resulting in a methodology that can be routinely compared across jurisdictional lines; and

. Capture of information at the point of inspection can dramatically reduce the cost of Inspection programs.

Recommended Solution: The Conference recommends...:

that the Inspection Form Committee be continued to work with the FDA to evaluate and assess scoring methodologies to be used in conjunction with the Food Establishment Inspection Report Form and supporting documents and report back at the 2008 CFP.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 086
Issue: II-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.

Title:

Certification of Food Safety Regulation Professionals Work Group Report

Issue you would like the Conference to consider:

The CFP Program Standards Committee seeks the Conference's acknowledgement of the Certification of Food Safety Regulation Professionals Work Group Report

Public Health Significance:

In addition to its summary report, the Certification of Food Safety Regulation Professionals Work Group has submitted three issues for consideration at the 2006 meeting of the Conference for Food Protection. These issues have been studied carefully, and the members of the Program Standards Committee believe the recommendations offered address the charges assigned to the work group following the 2004 Conference:

- In future Conference discussions relative to training or credentialing of individuals responsible for the regulation of retail food establishments, these members of the regulatory authority should be referred to as "food safety regulation professionals".
- That the Conference charge the Program Standards Committee with developing a multi-tiered approach to the credentialing of regulatory officials and evaluates the potential incorporation of existing training and/or certification programs.
- That the Conference charge the Program Standards Committee with using the FDA Program Standards - Standard No. 2 as the model for the evaluation of other training or credentialing programs for food safety regulatory professionals.
- That the Conference request FDA provide guidance on how subpart 8-402.10 can be practicably implemented within a regulatory food program and what may be the resulting legal ramifications to state or local jurisdictions that have adopted Chapter 8 by reference.
- That the Conference charge the Program Standards Committee with conducting a joint review with FDA of the FDA ORA University training curriculum as it pertains to Standard No. 2.
- That the Conference charge the Program Standards Committee with formally approaching FDA on the concept of forming a cooperative partnership with a focus on training, standardization and/or certification of food safety regulation professionals.

Recommended Solution: The Conference recommends...:

that the report of the Certification of Food Safety Regulation Professionals Work Group be acknowledged and the work group continue its work through the 2008 meeting of the CFP.

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Attachments:

- "Certification of Food Safety Professionals Work Group Report"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 068
Issue: II-036**

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

All information above the line is for conference use only.

Title:

An Assessment of Training Needs (ATN) for Food Safety Inspection Officers

Issue you would like the Conference to consider:

The Certification of Food Safety Regulation Professionals Work Group of the CFP Program Standards Committee was charged by the 2004 CFP with using the criteria in the *FDA Voluntary National Retail Food Regulatory Program Standard #2* as a model for developing a multi-tiered approach to training and standardizing Food Safety Inspection Officers.

The *FDA Voluntary National Retail Food Regulatory Program Standards* are designed to establish performance criteria for regulatory retail food protection programs and not individuals employed in the profession. Therefore, the CFP work group focused on identifying the competencies needed by Food Safety Inspection Officers in order to function effectively when performing their professional duties. By using the Program Standard #2 criteria, regulatory jurisdictions can assess the performance of their FSIOs, determine their training needs, and design training programs based on these core competencies.

Public Health Significance:

New hires and individuals newly assigned to regulatory retail food protection programs will require exposure to and consistent training for the Knowledge, Skills, and Abilities (KSAs) that not only involve food safety principles or standards but also include oral and written communication. Consistent and on-going feedback on key performance areas comprising the inspection is the cornerstone of the FSIO training and standardization process.

The CFP work group reached consensus that an evaluation of a regulatory FSIO's competencies must be based on a performance-based "field" assessment or Assessment of Training Needs. The Assessment of Training Needs (ATN) process and forms are designed to prepare a FSIO to conduct independent inspections of retail food, restaurants, and institutional foodservice establishments.

Training is most effective when delivered within the context and environment within which the individual would be expected to apply the knowledge and skills. For FSIOs, the appropriate training environment is one that mirrors the actual experience of inspecting retail food, restaurant, and institutional foodservice establishments.

Recommended Solution: The Conference recommends...:

1. An Assessment of Training Needs (ATN) becomes a component of the joint field training inspection process required in the FDA Voluntary National Retail Food Regulatory Program

Standard #2 - Trained Regulatory Staff. The document entitled "A Guide to Conducting An Assessment of Training Needs" included with this Issue will establish a national model for field training of regulatory FSIOs that is to be part of a continuous improvement process for retail food regulatory programs.

2. the Certification of Food Safety Regulation Professionals Work Group collaborates with the FDA to conduct a pilot project to assess the effectiveness of the Assessment of Training Needs Guide, protocol, and forms. An outline of the pilot project objectives, protocol, and projected timeline is included with this Issue. The CFP work group will be expected to submit a report to the 2008 Conference that documents the results of the pilot project as well as recommended changes to the Assessment of Training Needs process and forms based on the results of the pilot project.

Submitter Information:

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Attachments:

- "A Guide to Conducting an Assessment of Training Needs"
- "Assessment of Training Needs Pilot Project Proposal"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 070
Issue: II-037**

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

All information above the line is for conference use only.

Title:

Revision - FDA Voluntary National Retail Food Regulatory Program Std. #2

Issue you would like the Conference to consider:

The 2004 CFP charged the Certification of Food Safety Regulation Professionals Work Group with the following tasks:

- Develop a multi-tiered approach to the credentialing of regulatory officials.
- Evaluate the potential incorporation of existing training and/or certification programs.
- Use the FDA Programs Standards - Standard No. 2, Trained Regulatory Staff, as the model for the evaluation of other training or credentialing programs for food safety regulatory professionals.
- Conduct a joint review with FDA of the FDA ORA University training curriculum as it pertains to Standard No. 2.
- Approach FDA on the concept of forming a cooperative partnership with a focus on training, standardization and/or certification of food safety regulation professionals.

The CFP work group reached consensus that an evaluation of a regulatory Food Safety Inspection Officer's (FSIO) competencies must be based on a performance-based "field" assessment. In addition, training is most effective when it is delivered within the context and environment within which the individual would be expected to apply the knowledge and skills required of the job task. For FSIOs, the appropriate training environment is one that mirrors the actual experience of inspecting institutional foodservice, restaurant, and/or retail food establishments.

Public Health Significance:

A five-step training and standardization process has been created to achieve the required level of knowledge, skills, and abilities Food Safety Inspection Officers (FSIO) need to conduct independent inspections of retail food, restaurant, and institutional foodservice establishments. The recommended revisions to Program Standard #2 are designed to

- Identify course curriculum requirements for regulatory retail FSIOs;
- Provide options for completing course curriculum requirements;

- Establish a process for regulatory retail food program managers/training officers to prepare a FSIO to conduct retail food and foodservice inspections;
- Clarify the FSIO standardization process; and
- Expand continuing education options for FSIOs.

An innovative and critical component of the training and standardization process is an Assessment of Training Needs (ATN) that creates a structured approach for providing field training for FSIOs and is part of a continuous improvement process for retail food regulatory programs.

Recommended Solution: The Conference recommends...:

1) that a letter is written to FDA endorsing and recommending the revisions to *FDA's Draft Voluntary National Retail Food Regulatory Program Standards*, Standard No. 2 as they appear in the Attachment that has been submitted with this issue.

2) that any Food Safety Inspection Officer who has already met the criteria in previous versions of *FDA's Draft Voluntary National Retail Food Regulatory Program Standards*, Standard No. 2 will continue to be recognized for the purposes of the program self-assessment process conducted by jurisdictions enrolled in the Program Standards.

Submitter Information:

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Attachments:

- "Revision to FDA Voluntary National Retail Food Regulatory Program Std. 2 "

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 072
Issue: II-038**

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

All information above the line is for conference use only.

Title:

Recommended Criteria for Retail Food Inspection/Training Officers

Issue you would like the Conference to consider:

The Certification of Food Safety Regulation Professionals Work Group recommends criteria to amend Chapter 2 of the 'FDA Standardization Procedures'. The additional criteria would be used in selecting and training **new** Inspection/Training Officers. These Inspection/Training Officers would then be responsible for training and standardizing new regulatory retail Food Safety Inspection Officers (FSIO) as outlined in Standard #2 of the FDA Voluntary National Retail Food Regulatory Program Standards.

Public Health Significance:

Well trained and standardized FSIOs are an essential part of assuring food safety. Critical to ensuring properly trained and standardized FSIOs are well qualified Trainers and Inspection/Training Officers.

Recommended Solution: The Conference recommends...:

That the Conference Chair send a letter to FDA recommending that 'FDA's Standardization Procedures' be changed to include the following additional criteria for selecting, training, and standardizing **new** Trainers and Inspection/Training Officers:

- Inspection/Training Officers will have successfully completed all requirements in Standard 2 "Trained Regulatory Staff" of FDA's Recommended National Retail Food Regulatory Program Standards.
- Any Trainer (who is not the Inspection/Training Officer) should meet all Inspection/Training Officer criteria with the exception that the individual need not be standardized.

Moreover, to select the best possible candidate, the FDA Procedures should encourage jurisdictions responsible for retail food inspection to use the following additional suggested criteria in selecting a new Inspection/Training Officer: Please note that these are offered only as a recommendation; they are NOT part of Standard 2 or a requirement for Standardization and, therefore, NOT subject to outside evaluation or audit.

- Bachelor's Degree with 30 credits in the sciences
- Certified Food Safety Professional or Registered Environmental Health Specialist/Sanitarian

- Has received HACCP training and has the ability to review HACCP plans including those using the process approach
- Has received food establishment plan review training and has the ability to review plans for compliance with regulations
- Has received temporary food establishments training
- Has knowledge of food related epidemiological principles and control measures
- Has the ability to effectively train individuals in a group or individual setting
- Demonstrates excellent verbal and written communication skills and has the ability to provide effective feedback to adult learners
- Demonstrates strong interpersonal skills

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Attachments:

- "Excerpt from FDA's 'Standardization Procedure'"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 002
Issue: II-039**

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

All information above the line is for conference use only.

Title:

Education, Credential & Training Criteria for Reg Food Safety Professionals

Issue you would like the Conference to consider:

The Field of Food Protection relies on Regulatory Food Safety Professionals to conduct food safety assessments which require a thorough understanding in many areas of public health. Some of these areas include sanitation, food science, microbiology, epidemiology and communicable disease control, chemistry, water quality, vector control, waste disposal and a variety of other skills such as effective interpersonal communication, risk assessment, public health law, emergency preparedness and environmental evaluations.

A minimum level of education and training is necessary to competently and consistently perform science-based food safety assessments. The Conference for Food Protection should establish and support at least a minimum of education, credential and training criteria for Regulatory Food Safety Professionals.

Public Health Significance:

The diverse and multifaceted nature of food safety mandates that the Regulatory Food Safety Professional be educated and trained to easily understand, apply and communicate these disciplines. The minimum criteria recommended below would increase the ability of the Regulatory Food Safety Professional to accurately identify hazards and effectively communicate control of risk factors, which would reduce the incidence of food-borne illness.

Recommended Solution: The Conference recommends...:

That the following recommendations be sent to FDA:

- 1) The Regulatory Food Safety Professional shall have a Bachelor's degree with 30 semester or 45 quarter hours in the basic sciences, i.e. courses in biology, chemistry, physics, agricultural science, or other physical sciences, as well as sanitary engineering or environmental engineering.
- 2) The Regulatory Food Safety Professional shall meet the training curriculum and time schedule as set forth in the current Conference for Food Protection's National Retail Food Regulatory Program.
- 3) The Regulatory Food Safety Professional shall obtain a credential in food safety within a time period after being hired.
- 4) All credentials for the Regulatory Food Safety Professional shall require the above minimum

education criteria.

5) All current Regulatory Food Safety Professionals may be exempted from the minimum education and certification exam requirements, but must meet the training curriculum and time schedule as set forth in the current Conference for Food Protection's National Retail Food Regulatory Program Standard 2.

6) The Conference should communicate the above criteria to all certifying organizations.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 064
Issue: II-040**

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

All information above the line is for conference use only.

Title:

Emergency Preparedness and Response Committee, acknowledge final report.

Issue you would like the Conference to consider:

During the 2004 CFP, the Emergency Preparedness Committee was formed. The attached report is the culmination of that work. This issue presents the committee's report (see attachments) and requests acknowledgement of it.

The Emergency Preparedness and Response Committee worked to complete their charge of providing consistent and scientifically sound guidance (see attachment) for both regulatory and industry to use during emergencies involving the retail food segment.

Public Health Significance:

Food establishments are required to maintain a safe environment for storage, preparation and service of foods at all times, even during emergencies. Widespread power outages in the northeastern U.S. in August 2003 revealed dramatic public health vulnerabilities. Regulatory authorities did not have uniform policies and procedures in place for dealing with such a widespread event affecting thousands of facilities. Additionally, the power outage caused a communication breakdown resulting in the inability to provide direction for retail food establishments in maintaining a safe environment during emergencies.

It became critical that proper guidance be established to handle a variety of emergencies affecting retail food establishments for both industry and regulatory. The guidance must be fact based and provide consistent direction in dealing with emergencies effecting retail food establishments to prevent the possible use of contaminated water or temperature abused food being served in the retail setting.

Recommended Solution: The Conference recommends...:

that the report of the Emergency Preparedness and Response Committee be acknowledged and the committee be dissolved.

Submitter Information:

Name: Pam H. Williams, Co-Chair
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Attachments:

- "Emergency Preparedness Committee Final Report"
- "Emergency Preparedness Committee Roster"
- "Emergency Preparedness Action Plans"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 065
Issue: II-041**

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

All information above the line is for conference use only.

Title:

Recommendation post Emergency Guidance document on CFP and CFSAN websites.

Issue you would like the Conference to consider:

During the 2004 CFP, the Emergency Preparedness Committee was formed to develop consistent and scientifically sound guidance for both regulatory and industry to use during emergencies involving the retail food segment. The guidance must be made available through as many points of access as possible for use.

Public Health Significance:

Widespread power outages in the northeastern U.S. in August 2003 revealed dramatic public health vulnerabilities in dealing with emergencies involving the retail food segment. There were no uniform regulatory policies and procedures in place for dealing with such a widespread event, nor did much of the retail food segment have the knowledge to operate safely under emergency conditions. Additionally, the inability to communicate during power outages affected the accessibility of proper procedures to utilize during emergencies.

Emergency guidance must be made available and accessible by the retail food segment as well as by regulatory agencies prior to an emergency to facilitate preparedness in the event of the next emergency. By posting the emergency guidance document (see attachment) on the CFP and CFSAN websites, this helps provides accessibility to a wide audience of individuals who need the information to help prepare and handle emergencies in the future to maintain a safe food handling environment.

Recommended Solution: The Conference recommends...:

that the Emergency Preparedness and Response Committee Emergency Guidance document be posted on the CFP website and that a letter be sent to the FDA Commissioner to request posting on the CFSAN website.

Submitter Information:

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Attachments:

- "Emergency Preparedness Action Plans"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 066
Issue: II-042**

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

All information above the line is for conference use only.

Title:

Recommendation post Emergency Guidance document on CFP and CFSAN websites.

Issue you would like the Conference to consider:

During the 2004 CFP, the Emergency Preparedness Committee was formed to develop consistent and scientifically sound guidance for both regulatory and industry to use during emergencies involving the retail food segment. The guidance must be made available through as many points of access as possible for use.

Public Health Significance:

Widespread power outages in the northeastern U.S in August 2003 revealed dramatic public health vulnerabilities in dealing with emergencies involving the retail food segment. There were no uniform regulatory policies and procedures in place for dealing with such a widespread event, nor did much of the retail food segment have the knowledge to operate safely under emergency conditions. Additionally, the inability to communicate during power outages affected the accessibility of proper procedures to utilize during emergencies.

Emergency guidance must be made available and accessible by the retail food segment as well as by regulatory agencies prior to an emergency to facilitate preparedness in the event of the next emergency. By posting the emergency guidance document (see attachment) on the CFP and CFSAN websites, this helps provides accessibility to a wide audience of individuals who need the information to help prepare and handle emergencies in the future to maintain a safe food handling environment.

Recommended Solution: The Conference recommends...:

& that the Emergency Preparedness and Response Committee Emergency Guidance document be posted on the CFP website and that a letter be sent to the FDA Commissioner to request posting on the CFSAN website.

Submitter Information:

Name: Pam H. Williams, Co-Chair
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Attachments:

- "Emergency Preparedness Action Plans"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 096
Issue: II-043**

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

All information above the line is for conference use only.

Title:

2004-2006 Issue Committee: Branding policy for Issues

Issue you would like the Conference to consider:

Charge the CFP Issue Committee with researching and recommending a Branding Policy to the Conference.

Public Health Significance:

In the past, some submitted Issues have used Brand names. Some were used for marketing advantage while others listed Brand names as sources for information, tests, examples, etc. Committee reports have also included Brand names. Committees have not used the names for marketing purposes but as resources available to complete their Conference charges.

In addition to the risk that the Conference for Food Protection name may be used in marketing, the Issue Committee's concern is that a Brand name or process may be submitted in an Issue that limits fair trade or may actually eliminate competition, possibly limiting future developments for food safety. This has been attempted in other organizations. It should be noted that there will be instances where companies can use the CFP name, for example use of the CFP name within the ANSI CFP Accreditation Program.

Dictionary definitions do not seem to address the needs of the CFP Issue Committee. According to one dictionary, a brand is: "a trademark or distinctive name identifying a product or a manufacturer" or "a mark indicating identity or ownership".

Recommended Solution: The Conference recommends...:

that the 2006-2008 Issues Committee be charged with

- 1) researching branding policies in other organizations,
- 2) developing a CFP policy for Brand names in Issues and attachments, and
- 3) through the Conference Board, soliciting a legal review of the proposed policy to protect the Conference should an Issue be rejected due to a Brand name.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 097
Issue: II-044**

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

All information above the line is for conference use only.

Title:

2004-2006 Issue Committee Report

Issue you would like the Conference to consider:

Acknowledge the 2004-2006 Issue Committee Report

Public Health Significance:

By developing the Issue web submission process, CFP has increased the opportunity for Issues to be submitted and managed more efficiently. Efficient review and assignment of Issues then increases the opportunity for Issues to be discussed more effectively in Councils. The balance of membership within CFP (Board, Councils and Committees) provides a unique opportunity to work through these Issues and provide opportunities for communication and resolution.

Recommended Solution: The Conference recommends...:

1) that the 2004-2006 Issue Committee report be acknowledged, and

2) that the 2006-2008 Committee continue the work of this committee, especially documentation of procedures and policies.

The Conference also acknowledges and appreciates the efforts of this committee to computerize the process as well as completing the Constitutional Charge of reviewing and assigning the 2006 Issues.

Submitter Information:

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Attachments:

- "2004-2006 Issue Committee Report"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 004
Issue: III-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.

Title:

2004 - 2006 CFP *Listeria monocytogenes* Intervention Committee Report

Issue you would like the Conference to consider:

The Conference recommended through issue 2004 III-020 that a committee be formed to address the specific cleaning, maintenance, and cross contamination interventions that can be used to control *Lm* in food establishments, and to review and identify existing *Lm* interventions in the 2005 FDA Food Code. In addition, the committee was charged to work with FDA and respond to Objective 1 of the FDA "Reducing the Risk of *Listeria monocytogenes* FDA/CDC 2003 Update of the Listeria Action Plan". The 2004 - 2006 CFP *Listeria monocytogenes* Intervention Committee is presenting our findings in this report.

Public Health Significance:

Listeria monocytogenes (Lm) is a bacterium that can cause *listeriosis*, a serious disease that is primarily transmitted through foods. It is a ubiquitous microorganism that can be introduced into foods at multiple points in the food chain. Therefore, it is very important that food establishment operators utilize active managerial control to implement appropriate procedures that minimize the potential for *Lm* contamination of ready-to-eat foods within their facilities.

The Committee reviewed many existing *Lm* intervention guidance documents. These documents were from industry, federal regulatory agencies, and academia. Of all the documents we reviewed, we could not find one, which provided adequate guidance to food establishment operators in controlling *Lm*. The Committee decided that there was a need to create a new guidance document. The Committee also reviewed the 2001 Food Code and identified numerous sections that already contain *Lm* interventions. These sections are cited in our report.

Recommended Solution: The Conference recommends...:

The acknowledgement of the 2004-2006 CFP *Listeria monocytogenes* Intervention Committee Report indicating that the charge to this committee has been completed.

Submitter Information:

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Attachments:

- "2004-2006 Listeria monocytogenes Intervention Committee Report"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 053
Issue: III-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.

Title:

2006 Date Marking as a Critical Item Committee Report.

Issue you would like the Conference to consider:

The Date Marking as a Critical Item Committee (Committee) requests that the Conference acknowledge the Committee's report and consider the two additional issues submitted by the Committee as separate issues.

Public Health Significance:

Whether an item is marked critical or non-critical on an inspection can have a great bearing on what regulatory actions are taken on a food establishment. Therefore, it is of the utmost importance that items be appropriately designated in the Food Code as critical and non-critical.

Recommended Solution: The Conference recommends...:

that the report of the Date Marking as a Critical Item Committee be acknowledged.

Submitter Information:

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Attachments:

- "Date Marking as a Critical Item Committee Report"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 016
Issue: III-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.

Title:

2004-2006 Allergen Committee Report

Issue you would like the Conference to consider:

Acknowledge the committee report.

Public Health Significance:

In 2004 Congress determined that about 2 percent of adults and about 5 percent of infants and young children in the United States suffer from food allergies. Each year about 30,000 individuals require emergency room treatment and about 150 individuals die because of allergic reactions to food. In August 2004 President Bush signed the Food Allergen Labeling and Consumer Protection Act ("FALCPA"). Section 209 of this law directs the Secretary of Health and Human Services to work with the Conference for Food Protection to provide "guidelines for preparing allergen-free foods in food establishments, including in restaurants, grocery store delicatessens and bakeries, and elementary and secondary school cafeterias."

The 2002 CFP Food Allergen Committee recommended additions to the Model Food Code to address - for the first time - food allergens. The 2005 FDA Food Code adopted the Committee's recommendations. The 2004-2006 CFP Food Allergen Committee focused on developing two downloadable posters (in both English and Spanish) 3 are attached that could be used by both retail and food service facilities and consumers (see attachments). The FDA representative on the committee told the committee in the fall of 2005 that it would be helpful to the FDA if a 2006-2008 committee was established in order to help the FDA develop the guidance called for in FALCPA.

Recommended Solution: The Conference recommends...:

that a 2006-2008 Conference for Food Protection Food Allergen Committee be established to continue to provide recommendations to the Conference for Food Protection that will then be forwarded to the FDA related to guidance that the FDA is developing concerning allergens in retail and food service facilities.

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Attachments:

- "Food Allergen Coalition Posters English and Spanish"
- "FAAN Restaurant Allergen Alert Poster English"
- "FAAN Restaurant Allergen Alert Poster Spanish"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 043
Issue: III-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.

Title:

CFP Food Allergen Committee

Issue you would like the Conference to consider:

The Food Allergen Labeling and Consumer Protection Act (FALCPA) of 2004 was passed to ensure that individuals could easily and accurately identify food ingredients that may cause allergic reactions. Section 209 of FALCPA, entitled "Food Allergens in the Food Code" states that:

The Secretary of Health and Human Services shall, in the Conference for Food Protection, as part of its efforts to encourage cooperative activities between the States under section 311 of the Public Health Service Act (42 U.S.C. 243), pursue revision of the Food Code to provide guidelines for preparing allergen-free foods in food establishments, including in restaurants, grocery store delicatessens and bakeries, and elementary and secondary school cafeterias. The Secretary shall consider guidelines and recommendations developed by public and private entities for public and private food establishments for preparing allergen-free foods in pursuing this revision.

The HHS Secretary through the FDA must comply with the Act by working with the Conference on the allergen issue. In this light, a CFP committee must be formed that will assist the FDA with guideline preparation.

Public Health Significance:

A food-induced allergic reaction can be a very serious medical problem for those who suffer from food allergies. Foodservice, retail and vending industries have been working to understand food allergies and learn how to help their customers be better informed. It is imperative that the FDA understand both the front of the house and back of the house activities that take place in retail and foodservice establishments. The Committee's recommendations can help to enlighten the FDA on such activities. In addition, the recommendations made by the Committee can further food allergen knowledge and awareness among employees of these sectors.

Recommended Solution: The Conference recommends...:

A 2006-08 CFP Allergen Committee be created. This committee would include representatives from the various stake holders that work with the FDA on food allergens, including state and local regulatory agencies, the FDA, industry, consumers, and academic experts.

The committee charges would be to

1) provide the FDA with input pertaining to The Food Allergen Labeling and Consumer Protection Act of 2004, which may include the review of guidelines for the foodservice and retail industries, and

2) report any additional recommendations to the Executive Board prior to the 2008 CFP meeting.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 047
Issue: III-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.

Title:

Cut Tomatoes as PHF (TCS Food).

Issue you would like the Conference to consider:

In Section 1-201.10 of the Food Code in the definition of Potentially Hazardous Food (Time/Temperature Control for Safety Food), add "cut tomatoes" to (2)(a).

Public Health Significance:

Tomatoes provide adequate conditions for the growth of *Salmonella spp.*, the principle pathogen associated with foodborne outbreaks related to tomatoes. The water activity (0.99), nutrients and pH (4.2 - 4.8) of tomatoes support the growth of *Salmonella spp.* at temperatures above 5°C (41°F) even though the optimum growth conditions for *Salmonella spp.* are 35-37° (95-99°F), pH 7.0 - 7.5 and 0.99 a_w.

Food establishments may hold cut tomatoes at ambient temperature. Historically, most fruits and vegetables have been considered non-PHF (non-TCS Food) unless they were epidemiologically implicated in foodborne outbreaks. Since 1990, at least 10 large foodborne outbreaks have been associated with different varieties of tomatoes. Published literature and internal FDA inoculation studies have also shown that natural contamination, survival and proliferation of foodborne pathogens in tomatoes, primarily with *Salmonella spp.*, occur under ambient temperature storage.

Natural reservoirs for *Salmonella spp.* include birds, amphibians, reptiles, soil, pond sediment as well as infected and recovering human beings. *Salmonella spp.*, although a human pathogen, is viable in the environment (in soil, water, etc.) for months. It can survive on tomatoes during the flowering, fruit development and maturation stages and does not die off during transportation, ripening and storage. *Salmonella spp.*, which can be carried by irrigation water, wash water or water flumes, has been shown to enter the tomato plant and fruit through several different routes including through the flower, root, stem scar and cracks, cuts or bruises in the skin. Infiltration of microorganisms is also associated with negative temperature differentials between water for washing or transporting tomatoes in a flume. The water temperature must be at least 10°F warmer than the tomato temperature to prevent infiltration.

Several research articles have demonstrated the ability of *Salmonella spp.* to multiply in chopped, ripe tomatoes and on wounded (bruised) and cut tomatoes. Internal research at FDA's Center for

Food Safety and Applied Nutrition (CFSAN) used inoculation studies with several different varieties of fresh tomatoes to determine if *Salmonella* spp. could grow in tomatoes (sliced and blended), what effect the low pH had on the lag phase and exponential growth, what effect temperature (ambient - 72°F versus refrigeration - 41°F) had on growth over 24 hours and what effect the variety of tomato had on growth. This study also determined the pH and a_w of various tomato varieties.

SEE ATTACHMENT A - Growth of *Salmonella* spp. in Beefsteak and Roma Tomatoes at Room and Refrigeration Temperatures (41°F). De Jesus, A. J. 2005. (personal Communication).

As can be seen in the summary of the FDA research in ATTACHMENT A, if *Salmonella* spp. is present, it will multiply at 72°F in cut and blended fresh tomatoes and not multiply at 41°F. While some tomatoes are less acid than other tomatoes, the commonly sold commercial varieties tested supported the growth of *Salmonella* spp. at ambient temperature (72°F). Therefore, cut tomatoes meet the definition of a food that requires time/temperature control for safety (TCS Food).

REFERENCES: [ATTACHMENT B]

Corby, R., V. Lanni, V. Kistler, V. Dato, C. Yozviak, K. Waller, K. Nalluswami, M. Moll, Center for Food Safety and Applied Nutrition, Office of Crisis Management, Food and Drug Admin., J. Lockett, S. Montgomery, M. Lynch, C. Braden, S.K. Gupta and A. DuBois. 2005. Outbreaks of *Salmonella* Infections Associated with Eating Roma Tomatoes --- United States and Canada, 2004, MMWR, April 8, 2005, 54(13):325-328.

Guo, X., J. Chen, R.E. Brackett and L.R. Beuchat. 2001. Survival of *Salmonellae* on and in Tomato Plants from the Time of Inoculation at Flowering and Early Stages of Fruit Development through Fruit Ripening. *Appl. and Env. Microbiol.* 67(10): 4760-4764.

Zhuang, R.-Y., L.R. Beuchat and F.J. Angulo. 1995. Fate of *Salmonella Montevideo* on and in Raw Tomatoes as Affected by Temperature and Treatment with Chlorine. *Appl. and Env. Microbiol.* 61(6):2127-2131.

Recommended Solution: The Conference recommends...:

that the FDA amend the Food Code in Section 1-201.10 in the definition of Potentially Hazardous Food (Time/Temperature Control for Safety Food), to add "cut tomatoes" to (2)(a), and include this product group in the examples of foods that require time/temperature control for safety.

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Attachments:

- "Cut Tomatoes as PHF-TCS food - final - Attachment B"
- "Cut Tomatoes as PHF-TCS Food-FINAL-1-23-06 -ATTACHMENT A"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 006
Issue: III-006**

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

All information above the line is for conference use only.

Title:

2004-2006 CFP Lm Committee Voluntary Guidelines

Issue you would like the Conference to consider:

The Conference recommended through issue 2004 III-020 that a committee be formed to address the specific cleaning, maintenance, and cross contamination interventions that can be used to control *Listeria monocytogenes (Lm)* in food establishments. The 2004 - 2006 CFP *Listeria monocytogenes* Intervention Committee developed voluntary guidelines of sanitation practices, standard operating procedures, and good retail practices to minimize contamination and growth of *Lm* within food establishments. The Committee is asking the Conference for acceptance of the guidance document.

Public Health Significance:

Lm is a pathogen that must be controlled with multiple strategies and not just time and temperature. Food establishments can control refrigeration temperatures, sources of *Lm* within their facilities, and behaviors of food employees in an effort to reduce the potential for *listeriosis*. Operators and regulators should be provided with guidance to understand *Lm* and its controls.

To minimize the risk of *listeriosis*, food establishment operators should keep refrigerated foods as cold as possible and limit their storage time; take steps to prevent contamination during in-store handling and storage, and target sanitation procedures to those areas most likely to be sources of *Lm*. Specific information on controlling *Lm* in food establishments, with emphasis on these areas, is provided in our guidance document.

Recommended Solution: The Conference recommends...:

Acceptance of the Voluntary Guidelines of Sanitation Practices, Standard Operating Procedures, and Good Retail Practices To Minimize Contamination and Growth of *Listeria monocytogenes* Within Food Establishments. The Committee recommends that these guidelines be placed on the CFP web site, and be accessible to food establishment operators and regulators.

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Attachments:

- "Voluntary Guidelines to Minimize Contamination & Growth of Lm Within F.E."

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 007
Issue: 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.

Title:

Lm interventions, relating to equipment design, repairs, & construction

Issue you would like the Conference to consider:

The 2004 - 2006 CFP *Listeria monocytogenes* Intervention Committee recognized that there was a potential increase risk of *Listeria monocytogenes* (*Lm*) contamination from defective equipment, equipment design flaws, and through construction activities during remodels. Our Committee did not thoroughly evaluate *Lm* interventions related to this topic. We agreed that this information should be contained in the FDA and CFP Food Establishment Plan Review Guide. Therefore, we recommend the CFP Plan Review Committee be assigned this charge.

Public Health Significance:

Lm is found almost everywhere and can be present in most environments, including the soil, equipment, humans, animals, drains, foods, maintenance tools and supplies. Investigations have shown that there is an increase risk of *Lm* contamination during construction activities. *Lm* harborage sites can easily be exposed during demolition of walls, ceiling, floors, etc. Equipment repairs can also pose a risk of *Lm* contamination to areas within food preparation areas. Special precautions must be considered during these activities to minimize the risk of *Lm* contamination. The design of equipment, eliminated harborage sites or allowing for easy cleaning and sanitizing is also important in reducing *Lm* contamination.

Recommended Solution: The Conference recommends...:

assigning the following charge to the CFP Plan Review Committee; identify *Lm* interventions related to equipment design, equipment repairs, and construction precautions during remodels, within food establishments. All *Lm* interventions identified, and any proposed changes to the FDA and CFP Food Establishment Plan Review Guide, should be submitted to the 2008 CFP.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 051
Issue: 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.

Title:

Section 3-501.17- Date Marking to be marked as a non-critical violation

Issue you would like the Conference to consider:

The 2005 Food code defines 'Critical Item' as 'a provision of this Code that, if in noncompliance, is more likely than other types of violations to contribute to food contamination, illness, or environmental health hazard.' Based on best available science and the current definition of 'critical item', date marking of Ready-to-Eat (RTE) violations debited under section 3-501.17 of the Food Code are not 'more likely' than other Food Code violations to cause illness or food contamination and therefore should be designated as a non-critical item in the Food Code. The date marking provisions are recognized as a good retail practice or GRP, and should be required to ensure that consumers receive wholesome foods which are not spoiled, but they should not be marked as a 'critical item.'

Public Health Significance:

The Centers for Disease Control and Prevention (CDC) Surveillance Report for 1993-1997, entitled 'Surveillance for Foodborne -Disease Outbreaks-United States,' identified five broad categories of risk factors that most often contribute to foodborne illness:

1. Food from Unsafe sources;
2. Inadequate cooking;
3. Improper holding temperatures;
4. Contaminated equipment; and
5. Poor personal hygiene.

There is no reference to the lack of date marking under these items as being a leading contributing factor to foodborne illness or contamination, nor would date marking be considered a sub-category of any of these five factors.

As the Date Marking as a Critical Item Committee (Committee) reviewed numerous articles regarding factors that contribute to foodborne illness, especially illnesses caused by Listeriosis, we felt that there were other factors that had a greater impact on the incidence of Listeriosis than did date marking. Some of these factors include:

1. Temperature control;
2. Cross contamination;

3. Personal hygiene; and
4. Cleaning and sanitizing.

Additional expanded rationale for designating section 3-501.17 as a non-critical item in the food code includes:

1. There are other Food Code provisions that, if in non-compliance, are more likely to contribute to listeriosis, specifically:
 - a. cold holding temperature control,
 - b. prevention of initial levels of contamination,
 - c. proper cleaning and sanitizing, and
 - d. prevention of cross contamination.
2. A critical violation should be applicable from farm to table. Interventions such as those listed above are all interventions that are applicable at the processing plant, food establishment, and in the home. Date marking only applies to food establishments and not to processing plants or consumers; therefore date marking does not meet the applicability standard.
3. All ready-to-eat foods do not have the same *Lm* growth rate. The one log in 7-day growth model was not based on growth in real food. *Lm* can grow 1 log in 3 days in items such as turkey and roast beef. Other Italian type hams take over 7 days to grow 1 log based on composition and inhibitors. While it would be undesirable to hold foods in which *Lm* can grow for an extended period of time, it is clear that a 7-day standard results in some food products being held too long, others discarded for no reason.
4. There are too many variables to absolutely state that keeping RTE foods once opened for 7 days is safe and on the 8th day become unsafe and have to be thrown out. Many of these foods have been given 60 to 90 day code dates by processors. Discarding all opened foods because they are 'not safe' after 7 days is not based on real science. Safety based code dating has not been established.
5. FDA & USDA have established a zero tolerance for *Lm*; therefore, RTE foods should not/do not contain any pathogens. Acknowledging growth of *Lm* in properly processed RTE food sends a confusing message to regulators, manufacturers, and consumers.
6. The committee is unaware of any epidemiological evidence that the lack of date marking has been a contributing factor in any listeriosis cases. The CDC epidemiology of foodborne illness further suggests that this is not a critical area.
7. FDA has stated in many publications that controlling temperature, especially in the home refrigerator, can have the greatest impact on reducing the growth of Listeriosis. Therefore, temperature control is clearly a higher priority intervention than date marking.
8. While math models may indicate that time/temp parameters are important variables for control of *Lm* growth, available research does not specify and quantify parameters validated with real food products.

9. Given the Food Code definition of a critical violation as well as epidemiological data, it has not been determined that a food not having a date mark (and therefore possibly held more than seven days) is more likely to contribute to illness or create a health hazard than violations of other code provisions.

10. The National Advisory Committee for Microbiological Criteria for Food (NACMCF) and FDA/USDA Lm Risk Assessment documents both identify that there are many variables that affect *Lm* growth. Therefore, the seven-day criteria fails to establish an absolute safe/unsafe threshold.

Recommended Solution: The Conference recommends...:

the Conference Chair send a letter to the FDA Commissioner recommending that FDA change the designation of Section 3-501.17-Ready to Eat, Potentially Hazardous Food (Time/Temperature Control for Safety Food), Date Marking, from a 'critical item' to a 'non-critical item.'

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 071
Issue: 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.

Title:

Cheeses Exempt from Datemarking

Issue you would like the Conference to consider:

This issue pertains to the cheese datemarking exemption per Section 3-501.17(A)(2) and (3) and Annex 3 - Public Health Reasons, page 399, Table: List of Some Hard and Semi-Soft Cheeses Exempt from Datemarking. 2005 FDA Food Code

The CFP has served as an excellent forum in communicating industry's need for clear understanding of those cheese varieties that are exempt from datemarking requirements. The guidance that FDA developed in December, 1999 (based on 21 CFR 133): (<http://www.cfsan.fda.gov/~ear/ret-chdt.html>) initially listed 22 cheeses exempt from datemarking and these became the basis for the 65 cheeses currently listed as being exempt from datemarking in Annex 3 of the 2005 Food Code. While this list has and will continue to be very helpful to both industry and regulatory agencies, there still remains a gap in identifying other cheeses that meet the same criteria for exemption. Today's modern supermarkets may offer over 300 varieties of cheese and importers handle over 400 varieties of cheese for shipment throughout the United States. Many of these products are variations of those cheeses currently exempted in the Food Code and meet the moisture requirements for hard or semi-soft cheeses but are NOT listed as exempt from datemarking.

Given the large number of cheese varieties and the various names used to identify them, it is difficult for retailers and regulators to determine which of the non-listed cheese varieties would be exempt per the hard and semi-soft parameters established in the Food Code. The Food Code does not provide a practical protocol that can be implemented at the retail level. State and local regulators likewise do not have the information needed to use the protocol or assist the industry in determining the exempt status of a cheese which is not already listed.

The industry needs FDA to continually evaluate and expand the list of exempted foods in the Food Code. Providing this list will improve industry understanding and regulatory enforcement of exempted products. In 1999, the FDA provided a list of cheeses NOT exempt from datemarking. This list has not carried over to the 2005 Food Code except by reference to the website in the Annex. Many States do not include the Annexes within their adoption of the Food Code so the list of non-exempt cheeses is not readily available to them.

Public Health Significance:

The exemption of certain cheeses from datemarking is based on science and does not adversely affect public health. It is imperative that the same science be used to identify all cheeses that do or do not require datemarking. FDA needs to continue its role in working with industry and regulators to identify additional cheeses that do not require datemarking. This will allow both retailers and regulators to better utilize their resources to ensure proper datemarking of those products that are not exempt.

Recommended Solution: The Conference recommends...:

the Conference Chair send a letter to the FDA Commissioner requesting FDA develop and implement a mechanism for identifying additional cheeses that should be exempt from datemarking but are not currently listed. The lists of exempt and non-exempt cheeses should be made readily accessible to industry, regulators, consumers, and other interested parties.

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Attachments:

- "FDA CFSAN Manual on Datemarking of Cheese"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 075
Issue: 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.

Title:

Storage Temperature for Certain Natural Cheeses

Issue you would like the Conference to consider:

Currently cheeses and other dairy products fall under the definition of potentially hazardous food (Time/Temperature for Safety Food). However, an exhaustive review of scientific literature provides substantial evidence that certain cheeses have inherent characteristics that create a hostile environment for bacterial pathogens, especially at elevated ripening and storage temperatures. This review is awaiting publication

Based on research studies that were reviewed, Asiago (medium/old), Cheddar, Colby, Feta, Monterey Jack, Muenster, Parmesan, Provolone, Romano, Swiss/Emmentaler and Pasteurized Process Cheese should be exempt from refrigeration requirements during ripening, storage, shipping and display. To qualify for this exemption, these cheeses must have a standard of identity in this or another country, include active cultures (with the exception of Pasteurized Process Cheese) and be manufactured under proper conditions of good hygiene practices, GMPs, HACCP principles and according to their Standard of Identity.

Public Health Significance:

These cheeses have not been implicated in outbreaks for foodborne illness. The inherent composition of these cheeses inhibits the growth of food pathogens at elevated temperatures. These cheeses are safe to store and display outside of refrigeration

Recommended Solution: The Conference recommends...:

That 3(f) be added under the definition of Potentially Hazardous Food (Time/Temperature Control for Safety Food) on page 16 of the 2005 Food Code.

3(f) Asiago (medium/old), Cheddar, Colby, Feta, Monterey Jack, Muenster, Parmesan, Provolone, Romano, Swiss/Emmentaler and Pasteurized Process Cheese manufactured to the Standard of Identity.

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Attachments:

- "Cheese Storage Temp Paper"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 108
Issue: 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.

Title:

Pasteurized Eggs, Require pasteurization of raw shell eggs at retail level

Issue you would like the Conference to consider:

FDA Food Code Section 3-302.13 Pasteurized Eggs, Substitute for Raw Shell Eggs for Certain Recipes.* states "Pasteurized eggs or egg products shall be substituted for raw shell eggs in the preparation of foods such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, eggnog, ice cream, and egg-fortified beverages that are not: (A) Cooked as specified under Subparagraphs 3-401.11(A)(1) or (2); or (B) Included in 3-401.11(D)."

During 2005 the FSIS initiated and finalized a draft risk assessment for Salmonella in eggs. In this risk assessment, the FSIS concluded that:

"RISK ASSESSMENT OUTPUTS

Pasteurization was predicted to be effective for reducing illnesses from to SE in shell eggs. If all eggs produced in the U.S. were pasteurized for a 3-log₁₀ reduction of SE, the annual number of illnesses would be reduced from 130,000 to 41,000. A 5-log₁₀ reduction would reduce the annual number of illnesses to 19,000.

Storage time and temperature were predicted to be effective for reducing illnesses from SE in shell eggs. If eggs are stored and held at 7.2°C (45°F) within 12 hours of lay, the estimated number of human illnesses would be reduced from 130,000 to 28,000.

Pasteurization was predicted to be effective for reducing illnesses from Salmonella spp. in egg products. If all liquid egg products produced in the U.S. were pasteurized for a 6-log₁₀ reduction of Salmonella, the annual number of illnesses would be reduced from 5,500 to 3,200."

In keeping with the above information, an estimated 350,000 yearly illnesses and an estimated 500 yearly deaths associated with un-pasteurized shell egg consumption would be eliminated, as is currently the case with pasteurized egg products.

Further, and never addressed by the FSIS, but addressed by the CDC through research by Dr.'s David Swayne and Dr. David Swarez, avian flu exists both on the shell and internally. These researchers proved that pasteurization kills H5N1 and all other strains of Avian flu in raw shell eggs.

Research conducted by Silliker Labs concludes that Anthrax and a host of other diseases that are not naturally occurring in raw shell eggs, do not withstand pasteurization temperatures. Hence, should bio-terrorism or product tampering occur, pasteurization of shell eggs would be a bio-terrorist shield.

Sealants used to protect against recontamination of the pasteurized shell eggs also would act to extend the shelf life and economic viability of egg farming.

The cost to the consumer is a few cents per serving and thus not cost prohibitive.

Public Health Significance:

Raw or under cooked eggs that are used in certain recipes are particularly hazardous because the virulent organisms, salmonella enteritidis and H5N1 Avian flu may be present in unpasteurized raw shell eggs.

Recommended Solution: The Conference recommends...:

That the conference chair send a letter to the FDA Commissioner to urge the following changes to the 2005 Food Code to require only pasteurized liquid and shell eggs be sold:

3-202.13 Eggs.*

EGGS shall be pasteurized before sale at retail or before service in a food establishment.

EGGS shall be received clean and sound and may not exceed the restricted EGG tolerances for U.S. Consumer Grade B as specified in United States Standards, Grades, and Weight Classes for Shell Eggs, AMS 56.200 *et seq.*, administered by the Agricultural Marketing Service of USDA.

3-202.14 Eggs and Milk Products, Pasteurized.*

(A) EGG PRODUCTS shall be obtained pasteurized.

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Attachments:

- "FSIS Executive Summary"
- "Risk Assessment for Salmonella Enteritidis in Shell Eggs and Salmonella spp"
- "Risk Assessment for Salmonella Enteritidis in Shell Eggs and Salmonella spp"

- "Risk Assessment for Salmonella Enteritidis in Shell Eggs and Salmonella spp"
- "Risk Assessment for Salmonella Enteritidis in Shell Eggs and Salmonella spp"
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- "Risk Assessment for Salmonella Enteritidis in Shell Eggs and Salmonella spp"
- "Risk Assessment for Salmonella Enteritidis in Shell Eggs and Salmonella spp"
- "Perspectives on Avian Influenza Risk"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 038
Issue: III-012**

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

All information above the line is for conference use only.

Title:

Multi Drug Resistant Salmonella: Food Adulterant with Zero Tolerance

Issue you would like the Conference to consider:

It is estimated that 1,412,498 cases of non-typhoidal *Salmonella* occur every year in the United States.⁽¹⁾ The number of *Salmonella* isolates that are resistant to antimicrobials has risen dramatically since 1980.^(2,6) *Salmonella* is the leading bacterial cause of foodborne outbreaks,⁽¹⁾ It is quite possible that we will see many significant foodborne outbreaks of antimicrobial resistant *Salmonella* in the near future if steps are not taken to prevent its spread.

Public Health Significance:

Salmonella is the leading cause of foodborne bacterial illness outbreaks in the United States, with an average of 3640 outbreaks occurring annually. In addition to patients identified in outbreaks, studies show that 80 percent of all non-typhoidal *Salmonella* cases occur as a single case rather than as part of an outbreak, resulting in an estimated 1,412,498 cases of non-typhoidal *Salmonella* in the United States every year.⁽¹⁾ Further, a recent study by Helms et al. shows that people that contracted non-typhoidal *Salmonella* are 2.85 times more likely to die within one year of contracting the disease than the general population.⁽³⁾

While most *Salmonella* infections are self-limiting and studies conducted by the Centers for Disease Control and Prevention (CDC) show a 17% decrease in the number of infections, the number of infections requiring hospitalization and medical treatment are increasing.^(3,4) Additionally, it was found that antimicrobial resistant *Salmonella* is more likely to infect the bloodstream and require hospitalization than the strains of *Salmonella* that are susceptible to antimicrobials.⁽⁵⁾ Studies show that antimicrobial resistant *Salmonella* leads to an increased number of *Salmonella* infections, an increased severity of infection and increased mortality.^(5,6)

In a study conducted by White et al. in 2001, 20 percent of 200 various ground meat samples were found to contain *Salmonella*. 45 isolates were identified from these positive samples. 84% of the isolates were found to be resistant to at least one antibiotic and 53% were resistant to at least three antibiotics. Seven of the eight identified isolates of *Salmonella enterica* Typhimurium were resistant to at least five antimicrobial drugs and five of the 10 identified isolates of *Salmonella enterica* Agona were resistant to nine antimicrobial drugs.⁽⁷⁾

In 2001, studies conducted by the CDC showed that 53% of *S. Typhimurium* isolates were resistant to at least one antimicrobial drug. Additionally, the CDC found that the percentage of isolates of *S.*

Typhimurium resistant to ampicillin, chloramphenicol, streptomycin, sulfonamides and tetracycline rose from only 0.6% in 1980 to 34% in 1996.⁽⁶⁾ A national survey conducted by the CDC 2001 showed that 30% of *S. Typhimurium* isolates had the same five-drug resistance pattern. This five-drug pattern of resistance is typical of *S. Typhimurium* DT104.^(2,8,9)

In 2002, an outbreak of multi-drug resistant *Salmonella enterica* Newport affected 47 people in five states. The ages of those affected ranged from two through 81 years old. 34 of the cases were from New York State; 12 of the New Yorkers required hospitalization and one died. The strain was resistant to at least nine antimicrobial drugs.

Another outbreak of multi-drug resistant *Salmonella* occurred October 2003 through April of 2004. This outbreak was due to *S. Typhimurium* DT104 and involved 46 individuals from eight states in the Northeast. The ages of the 19 New Yorkers involved in the outbreak ranged from two months through 86 years old. 47% of the New Yorkers required hospitalization and 40% of the 19 New Yorkers spent more than four days in the hospital.

Recommended Solution: The Conference recommends...:

that a letter be written to the United States Department of Agriculture urging that multi-drug resistant *Salmonella* be considered an adulterant and that a zero-tolerance policy be adopted, similar to the policies in place for *E. coli* O157:H7 and *Listeria monocytogenes*. Further, the Conference recommends that the United States Department of Agriculture institute sampling and surveillance programs to enforce this policy.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 050
Issue: III-013**

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

All information above the line is for conference use only.

Title:

Reduced Oxygen Packaging (ROP) cold holding alternative.

Issue you would like the Conference to consider:

In the Food Code, amend subparagraph 3-502.12(D)(2)(e) to allow refrigerated (not frozen) ROP food to be held at 38°F for a maximum of 3 days in addition to the current provision of 1°C (34°F) for up to 30 days.

Public Health Significance:

In ¶ 3-502.12(D), both cook-chill processing where food is cooked then sealed in a barrier bag while still hot, and sous vide processing where food is sealed in a barrier bag and then cooked, may depend on time/temperature as the only barriers to pathogenic growth. Therefore, monitoring critical limits including those established for cooking to destroy vegetative cells, cooling to prevent outgrowth of spores/toxin production, and maintaining cold storage temperatures to inhibit growth and/or toxin production of any surviving pathogens is essential.

The length of shelf life for cook chill and sous vide packaged food is based on destruction of vegetative cells in the cooking process, preventing recontamination, and then refrigerating at a cold holding temperature with stringent temperature monitoring and recording requirements. Cold holding food at these time/temperature parameters prevents or significantly limits the growth and toxin production of surviving or recontaminating pathogens. Non-proteolytic *Clostridium botulinum*, the most cold tolerant type of *C. botulinum*, does not grow and produce toxin at 38°F or less. *Listeria monocytogenes* grows very slowly at 34°F and the 30-day limitation provides a time constraint that is considered safe.

The basis for adding the alternative cold holding at 38°F for a maximum of 3 days is that these parameters provide equivalent control of *C. botulinum* and *L. monocytogenes* growth and/or toxin production as the current provision of 1°C (34°F) for 30 days. Industry requested that FDA consider adding these comparable controls. After reviewing growth curves for the pathogens of concern, the FDA agrees that this alternative is acceptable.

Recommended Solution: The Conference recommends...:

That FDA amend subparagraph 3-502.12(D)(2)(e) in the Food Code in the following manner.

(D) Except as specified under ¶ (C) of this section, a Food establishment may package food using a cook-chill or sous vide process without obtaining a variance if:

1) The food establishment implements a HACCP plan that contains the information as specified under ¶ 8-201.14(D);

2) The food is:

a. Prepared and consumed on the premises, or prepared and consumed off the premises but within the same business entity with no distribution or sale of the bagged product to another business entity or the consumer,

b. Cooked to heat all parts of the food to a temperature and for a time as specified under 3-401.11,

c. Protected from contamination after cooking as specified under Part 3-3,

d. Placed in a package or bag with an oxygen barrier before cooking, or placed in a package or bag immediately after cooking and before reaching a temperature below 57°C (135°F),

e. Cooled to 5°C (41°F) in the package or bag as specified under § 3-501.14, and

(i) Cooled to 1°C (34°F) within 48 hours of reaching 5°C (41°F) and held there until consumed or discarded within 30 days after the date of preparation,

(ii) If then removed from a storage unit that maintains a 1°C (34°F) food temperature, held at 5°C (41°F) or less for no more than 72 hours at which time the food must be consumed or discarded, or

(iii) Cooled to 3°C (38°F) or less within 24 hours of reaching 5°C (41°F) and held there for no more than 72 hours from packaging, at which time the food must be consumed or discarded, or

(iv) Held frozen with no shelf life restriction until consumed and used.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 098
Issue: III-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.

Title:

Breaking the seal when thawing frozen vacuum packaged seafood.

Issue you would like the Conference to consider:

Insert in Chapter 3 (3-501.13 (E)) a statement requiring the packaging to be removed or the seal broken during the thawing of vacuum packaged seafood products.

Chapter 3 (3-502.12 (C)) states that *'Except for fish that is frozen before, during, and after packaging, a food establishment may not package fish using a reduced oxygen packaging method.'* This section of the food code does not address acceptable thawing practices to prevent the growth of *C. botulinum*.

Public Health Significance:

Clostridium botulinum is a known hazard in seafood products. Freezing vacuum packaged seafood at the commercial processor prior to shipping is a control employed against the growth of *C. botulinum*, which may result if the product suffers temperature abuse during transportation and storage in the retail market place.

When vacuum packaged seafoods are thawed in the retail market place, temperature abuse may occur if proper refrigeration temperatures are not used during the thawing process. If temperature abuse occurs during the thawing process in the anaerobic environment of vacuum packages, it allows for the growth of *C. botulinum* (if it is present in the seafood).

By removing the packaging or breaking the seal prior to thawing, the anaerobic environment is eliminated, reducing the potential for a *C. botulinum* food poisoning event.

Recommended Solution: The Conference recommends...:

that the Section 3-501.13 of the Food Code be modified to include the following statement:

3-501.13 (E) With the packaging removed or the seal broken when thawing frozen vacuum packaged seafood.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 020
Issue: III-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.

Title:

Provide guidance on the handling of beef that has been blade tenderized

Issue you would like the Conference to consider:

In the 2004 CFP meeting, Issue # 2004 III-032 "Provide guidance to retail establishments and restaurants on the handling of steaks that have been blade tenderized" was submitted and discussed. Council III members recommended and the delegates voted as follows: "The Conference recommends that the FDA and USDA work together and submit guidance for blade tenderized products at the 2006 Conference for Food Protection".

The USDA, in consultation with FDA, developed the document "Guidelines for Tenderized Beef for Restaurants and Retail Food Establishments" (attached). The guidelines include measures that the retail establishments and restaurants can adopt to prevent contamination by *Escherichia coli* (*E. coli*) O157:H7 or other pathogens during the production, handling, or preparation of blade tenderized beef, and other mechanically tenderized beef. Restaurants and retail establishments receive steaks or similar cuts of meat that have been mechanically tenderized but typically are not labeled to signify that the products have been so treated. Section 3-401.11(C)(3) of the Food Code states that a raw or undercooked whole-muscle, intact beef steak may be served or offered for sale provided that it is cooked to a surface temperature of 63°C (145°F) or above and a cooked color change is observed on all exterior surfaces. These cooking recommendations should not be applicable to blade tenderized beef steaks or other mechanically tenderized and non-intact beef steaks because pathogens may contaminate below the surface during the tenderization process. In addition, generally, it is not possible to visually discern a blade tenderized beef steak from an intact beef steak. Consequently, neither the food service preparer nor the consumer would know that the cooking requirements of 3-401.11(C) (3) may not be sufficient to result in a safe product nor be able to use the appropriate cooking time and temperature to destroy any pathogens in the product.

The guidance includes recommendations for the purchase of tenderized beef by restaurants or retail establishments, sanitation procedures, and the proper cooking of these products. The guidance material is based on recommendations from the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) and the BIFSCO Best Practices document. These guidelines will help these establishments in establishing controls in the purchase, preparation, cooking or sale of these non-intact products.

Public Health Significance:

E. coli O157:H7 foodborne illnesses associated with mechanically-tenderized or injected steaks

have been reported in 2000, 2003, and 2004. Although the level of surface contamination of steaks is expected to be very low, the number of *E. coli* O157:H7 necessary to cause illness also is very small - estimated to be approximately 4 CFU/gm. NACMCF, in evaluating the risk of *E. coli* O157:H7 in blade tenderized steaks concluded that: 1) non-intact blade-tenderized steaks served very rare with cold spots (less than 120° F internal temperature) present a concern/risk, particularly to immunocompromised individuals; 2) there was insufficient data to address the need for labeling of blade tenderized steaks at this time. In the absence of labeling requirements, this guidance document was developed to prevent contamination by *E. coli* O157:H7 or other pathogens during the production, handling, or preparation of blade tenderized beef, and other mechanically tenderized beef in retail establishments and restaurants.

Recommended Solution: The Conference recommends...:

The Conference recommends that the "Guidelines on Blade Tenderized Beef for Restaurants and Retail Food Establishments" be added to the Annex of the FDA Food Code.

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Attachments:

- "Guidelines on Blade Tenderized Beef for Restaurants and Retail Food Estab."

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 107
Issue: III-016**

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

All information above the line is for conference use only.

Title:

Change in sections of Food Code to better define tenderization risk

Issue you would like the Conference to consider:

Many steaks prepared for restaurants and retail sale have been mechanically and/or enzymatically tenderized to increase the tenderness of the steak. The tenderization might be in the form of knitting 2 or more pieces of steaks together with a blade cuber, spraying the steaks with a solution containing proteolytic enzymes, jaccarding (pinning), rolling through drum to flatten or a combination of these.

The USDA FSIS has determined there is some risk associated with these types of processes as a result of 3 outbreaks and has combined them under the term non-intact steaks.

Based on Food Code section 4-401.11 (C) Raw Animal Foods, local Health Departments are beginning to require that steaks that have been mechanically tenderized in any fashion be cooked to a minimum internal temperature of 145°F or greater thereby eliminating the ability of a food establishment to serve a rare or medium rare steak.

Public Health Significance:

Section 3-401.11(C)(3) of the food code reads that a raw or undercooked whole muscle, intact beef steak may be served or offered for sale provided that it is cooked to a surface temperature of 63°C (145°F) or above and a cooked color change is achieved on all external surfaces. Injected is defined in the food code as a means of manipulating a MEAT so that infections or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the MEAT such as by processes which may be referred to as "injecting," "pinning," or "stitch pumping." The definition as written is too broad and actually incorporates multiple processes. These processes are not equivalent and do not constitute an equivalent risk for contaminating meat.

In 2002, the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) concluded that it is possible to achieve a 3.2 log reduction of *Escherichia coli* O157:H7 for blade-tenderized steaks when cooked at 120°F. FSIS published an interpretive summary of the comparative risk assessment for intact (non-tenderized) and non-intact (tenderized) beef. In the summary it was concluded that there was virtually no difference in the risk of illness from intact (non-tenderized) versus non-intact (tenderized) steaks (1 illness per 14.2 million servings versus 1 illness per 15.9 million servings, respectively).

Recommended Solution: The Conference recommends...:

modification of the Food Code to provide more specificity in the differences between forms of tenderization and food processing, while identifying that whole muscle steaks that are pinned or jaccarded without treatment with liquid are not required to be cooked to 145 degrees F.

Specifically, make the following changes as follows:

Section 1-201.10 (B) change "Injected" definition:

"Injected" means ~~manipulating a MEAT so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or~~ injecting the MEAT with liquid substances such as by processes which may be referred to as "injecting," "pump marinating" or "stitch pumping."

Section 1-201.10 (B) change "Whole-muscle, intact beef" definition:

"Whole-muscle, intact beef" means whole muscle beef that is not injected with liquid substances, ~~mechanically tenderized~~, reconstructed, or scored/cubed and marinated, from which beef steaks may be cut. Beef that is "pinned", "needled" or "jaccarded" without the addition of liquid marinade is considered intact. Beef that is "cubed" or knitted together by opposing rollers with rows of blades or other devices, frequently called "Sandwich Steaks", are defined as "comminuted".

Section 3-401.11 (C) add "including pinned or needled" to section to read:

(C) A raw or undercooked WHOLE-MUSCLE, INTACT BEEF including pinned or needled steak may be served or offered for sale in a READY-TO-EAT form if:

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Attachments:

- "FSIS-NACMCF E.C.O157:H7 in Blade Tenderized, Non-intact Beef"
- "Microbiological Condition of Beef"
- "USDA/ FSIS "Interpretive Summary""

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 099
Issue: III-017**

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

All information above the line is for conference use only.

Title:

Avian Influenza

Issue you would like the Conference to consider:

The possibility of a pandemic caused by Avian Influenza is a daily story in all forms of media. It is reported that normal cooking and sanitation processes are sufficient to kill the virus. But in the same fashion as Hepatitis A, cross contamination from one food to another through various means can spread the organism and lead to disease.

Public Health Significance:

Unlike most other food borne disease causing organisms, highly pathogenic avian influenza (HPAI) is a communicable disease with a high mortality rate and the capability to be spread human to human, by food, and by environmental transmission methods. The ability of food establishments and regulatory agencies to make determinations of the correct actions to take when confronted with possibly contaminated foods, employees and customers with possible symptoms, and other issues, is of obvious public health concern.

Recommended Solution: The Conference recommends...:

creation of an Avian Influenza Committee to work with various governmental agencies and industry associations to determine what food establishments should do to address food safety and avian influenza along with the related issue of human to human contact.

While not a definitive set of questions for the committee to address, some questions to be answered include:

Is HPAI a food safety issue?

Should the Food Code "Section 2-201 Disease or Medical Conditions" be modified to address HPAI, especially the section on symptoms, restrictions and exclusions?

What actions should be taken when handling raw poultry or other food items to prevent cross contamination?

Would a food establishment employee sick with HPAI be ground for action by local regulatory agency, including public notification as done with Hepatitis A?

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 021
Issue: III-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.

Title:

New Technology for Ambient Holding/Dispensing of PHF (Homogeneous Liquids)

Issue you would like the Conference to consider:

A technology has been developed that allows for safe ambient dispensing of commercially sterile homogeneous liquids (that can become potentially hazardous after opening, e.g. milk). Maintenance of commercial sterility is achieved even though the original hermetic seal has been breached. This technology has been incorporated into a foodservice dispensing machine that safely prepares and dispenses drinks from milk and shelf stable concentrates without refrigeration. The milk concentrate is aseptically packed (shelf-stable distribution) and is opened by an automated machine procedure that ensures the highest standards in food safety. Milk dispensing is accomplished through aseptic transfer from a sterile zone.

The food product is kept commercially sterile through the use of a mechanical barrier along with automated monitors and controls that prevent contamination during dispensing and holding after opening. In our particular case, the mechanical barrier is a pinch valve that externally acts on a tube. The tube is part of the product package, and opening and closing of the physical barrier is fully controlled by machine software and occurs only during dispensing. Repeated microbial challenge testing has shown that the mechanical barrier maintains the commercial sterility of the remaining product under static (no dispensing) and dynamic (dispensing) situations after opening of the package. In addition, the dispenser has a number of features and safeguards to provide for the highest levels of food safety. **Please refer to Attachment A for technology details used in the dispenser.**

The intent of the Food Code is to provide guidelines for handling potentially hazardous foods in a safe manner. Currently, when a hermetically sealed container of a potentially hazardous food is opened, means need to be taken to ensure safety - time and / or temperature control. With this new technology, safety is assured without such time and temperature controls. The Food Code may not allow for use of this technology.

In addition, current NSF Standard(s) do not allow for certification of a dispenser using this technology. The NSF Joint Committee on Food Equipment has authorized a Task Force to develop a proposal to change the NSF Standard(s). This Task Group has almost completed proposed changes to the Standard(s) to allow for testing and certification of such dispensers of potentially hazardous homogeneous liquid foods without temperature control. **Please see Attachment B for the most recent draft of the NSF Standard changes.**

Key provisions of the draft changes to the Standard(s) are:

A commercially sterile homogeneous liquid food or beverage manufactured in a food processing plant may be opened by a system designed to maintain the commercial sterility of the product during opening and dispensing. The system should:

- accommodate specially designed containers such that contaminated air/liquid cannot be drawn back into the container;
- open the aseptic packaging mechanically (while the product container is inside the dispensing equipment) in a sanitary manner, and does not allow reuse of previously opened containers' contents;
- rely on a mechanical barrier demonstrated to maintain the commercial sterility of the food during opening of the product container, holding of the product after opening, and during dispensing (including during power failure)
- prevent dispenses of product if the mechanical barrier does not function as intended

In addition, the draft proposed Standard provides for microbiological static and dynamic tests challenging the mechanical barrier that must be satisfactorily met. An update of the Standard changes will be provided at the conference.

Public Health Significance:

Shelf Stable homogeneous food products in a hermetically sealed container, such as aseptically packed milk, may be contaminated during opening and/or use. The potential of adverse public health consequences exists if such foods are contaminated and held without time/temperature control. The development of a machine that can maintain a sterile zone through aseptic transfer ensures product is not exposed to conditions that would allow contamination.

Recommended Solution: The Conference recommends...:

FDA modify the relevant sections of the 2005 Food Code to allow for hermetically sealed commercially sterile products that are opened and maintained in a manner that prevents contamination, as evidenced by conformance to an accredited standard such as NSF/ANSI Standard 18, to be considered non-PHF/TCS Foods and held without temperature control. An example of changes to the Food Code is listed below.

Section 3-501.16 should be amended to read as follows:

(A) Except during preparation, cooking or cooling or when time is used as the public health control as specified under 3-501.19, or when maintaining commercial sterility of an aseptically processed and packaged container as specified in 4-204.13 (E), and except as specified under ¶ (B) of this section&

A new section 4-204.13 (E) should be added as follows:

(E) A commercially sterile homogeneous liquid food or beverage manufactured in a food processing plant may be opened by a system designed to maintain the aseptic condition of the product during opening and dispensing. The system shall:

(1) use specially designed containers of aseptically processed and packaged potentially hazardous food or beverage in a homogeneous, liquid form;

(2) apply a mechanical barrier to maintain the commercial sterility of the food or beverage in the container prior to opening and while it is held without refrigeration within the dispensing equipment for a specified period of time;

(3) open the aseptic packaging mechanically while the product container is inside the dispensing equipment in a sanitary manner, and does not allow reuse of previously opened containers' contents;

(4) maintain the function of the mechanical barrier by means of an automated control mechanism that is factory adjusted to assure proper closure between product dispenses and under all conditions, including power failure of equipment and material tolerances; and

(5) prevent dispensing of product if the mechanical barrier does not function as intended.

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Attachments:

- "Technology Details of Ambient Dispensing of PHF - Attachment A"
- "Ambient Holding and Dispensing of PHF - NSF 18 DRAFT - Attachment B"

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 103
Issue: III-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.

Title:

Formation of a Hand Sanitation and Food Handling Task Committee

Issue you would like the Conference to consider:

The Preface of the Food Code, and many sections within the Food Code, identify and address cross contamination through improper hand sanitation. The preface of the Food Code identifies poor personal hygiene, primarily through improper hand washing, as one of the five major risk factors. Yet the human factors of hand washing are only somewhat understood. Industry is uncertain how to incorporate technology. Measure of performance is more subjective than objective. Facility requirements are limited and traditional.

Public Health Significance:

The preface of the Food Code identifies poor personal hygiene, primarily through improper hand washing, as one of the five major risk factors. Yet food establishment operators and employees do not always know if they are delivering on the hand washing requirements because the requirements may be undeliverable, vague or not able to be measured. Defining the most importance requirements, making the definitions of compliance to these requirements more specific, and determining how best to deliver on these requirements may result in better compliance and improve the public health. Combined with a reduction in some other hand sanitation requirements may put the priorities first. An example of this might be focusing on 100% compliance to exacting hand washing after use of the rest room, while simplifying hand sanitation in less critical situations.

Recommended Solution: The Conference recommends...:

Creation of a Hand Sanitation and Food Handling Task Committee to investigate the entire process of employees handling foods with their hands and utensils. This would include the use of gloves and other interventions, the technology of hand washing and drying, situations where hand washing was not normally done but hand sanitation should be sufficient (manual warewashing), measurement of performance, regulatory evaluation criteria (what is acceptable hand washing compliance?), human aspects of hand sanitation, multi-tasking and the impact of hand sanitation, the use and storage of utensils, the use of wax paper and other barrier films, sanitation of utensils and cross contamination (Are handles of tongs clean or dirty?), when operating a dish machine where the hands are wet all the time can hands be rinsed and dipped in sanitizer to demonstrate compliance, and other areas, as determined by the committee.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 040
Issue: III-020**

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

All information above the line is for conference use only.

Title:

Latex in Food Service

Issue you would like the Conference to consider:

The FDA currently allows latex gloves to be used in food service in spite of an avalanche of allergic incidents, case studies, and increasing non-tolerance among the general population. CFR Title 21 Sec. 177.2600 "Rubber articles intended for repeated use" contains the authorizing language.

Last year, several submissions to the NCFP were rejected because of this law (the food code cannot violate laws or statutes). Clearly, however, latex use in food service continues to be an ongoing issue that needs to be addressed.

Public Health Significance:

Latex allergies exist in the general population. A number of individuals have severe allergies resulting in medical emergencies from contact with even a minute amount of exposure.

Further, latex glove users often develop allergies from repeated exposure. Thus, food service workers and consumers are potentially threatened by use of a product for which a number of less expensive and equally functional alternatives already exist.

Recommended Solution: The Conference recommends...:

Formation of a committee, or a subcommittee under the existing allergen committee, to work with the FDA to rapidly resolve this issue. Most states have the ability to issue interim policies having the effect of law until such time as the CFR can be amended.

The committee's charge is to develop interim language to be made available to state and local regulators to restrict latex glove use in food manufacturing, production, or service facilities.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 109
Issue: III-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.

Title:

Food Contact Glove Guidance / Usage Document

Issue you would like the Conference to consider:

We are asking the Conference for Food Protection and their leadership to consider development of a Hand Sanitation and Food Handling Task Committee to investigate the entire process of employees handling foods with their hands and utensils, including disposable gloves. The result would be a comprehensive hand hygiene reference document for the food industry.

This document would contain a basic glove guidance / usage document as a segment within, to further clarify the areas covering hand hygiene in the Food Code. The information gained would help the food industry identify real food handling tasks that disposable gloves are appropriate for and better identify the right glove material and food glove quality factors.

Public Health Significance:

Glove use in itself does not guarantee food safety, but it is one of several utensils available to prevent direct bare hand contact with ready-to-eat foods. Based on conversations with other professionals in the food industry, including retail chains, food processing, and regulatory groups, there is minimal information in the Food Code or the "Public Health Reasons" section clarifying the best practices or quality for food contact gloves as it relates to the entire hand hygiene issue. Materials used to manufacture medical gloves and food contact glove usage/materials are significantly different and need to be identified. Well defined documents clarifying material quality issues for disposable food gloves do exist, but are not recognized by the Food Code.

Recommended Solution: The Conference recommends...:

Formation of a panel or task group of stakeholders (regulatory / industry / glove manufacturers / academia / consumers) be organized to develop a document for future inclusion into the Food Code.

The resulting hand hygiene document would include segments on the use of gloves and other interventions such as:

- the technology of hand washing and drying, situations where hand washing was not normally done but hand sanitation should be sufficient (manual warewashing),
- measurement of performance, regulatory evaluation criteria (what is acceptable hand washing compliance?),
- human aspects of hand sanitation, multi-tasking and the impact of hand sanitation,

- the use and storage of utensils, the use of wax paper and other barrier films, sanitation of utensils and cross contamination (Are handles of tongs clean or dirty?),
- when operating a dish machine where the hands are wet all the time can hands be rinsed and dipped in sanitizer to demonstrate compliance, and other areas, as determined by the committee.

The portion of the glove usage document might contain a series of charts with some visuals and text, preferably multi-lingual. It could be broken down into the following areas, but there may be more:

1) Basic glove usage for food workers:

- handwashing and drying hands
- when to use with RTE foods or raw
- when to remove
- correct glove donning and safe removal
- powdered or powder-free gloves
- use with band aids and nail polish
- use with hand sanitizers
- time vs. task specific tasks
- what NOT to do with while wearing gloves)

2) Example tasks for various segments of industry

3) Food contact glove material selection guidance:

- right glove material for the task
- grip capabilities
- dexterity
- durability
- heat resistance
- resistance to animal fats, alcohols, other stimulants

4) Food glove material quality characteristics:

- quality specifications
- toxicology related to indirect food additives
- sanitary manufacture (bioburden)
- physical properties
- medical glove standards that apply
- ASTM standards (American Society for Testing & Materials)
- Other comprehensive documents that exist regarding food glove standards

5) Segment on natural rubber latex.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 101
Issue: III-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.

Title:

Hand Antiseptics Used as a Towelette

Issue you would like the Conference to consider:

When food exposure is limited and handwashing sinks are not conveniently available, employees may use a hand antiseptic as specified under 2005 FDA Food Code Section 2-301.16 to wash their hands. Added cleaning can be achieved by an interim wiping with paper towel, achieving similar cleaning and germ kill as in 5-203.11 Handwashing Sinks (C) ...Employees may use chemically treated towelettes for handwashing.

A second application of the antiseptic will add further germ kill when used according to label instructions.

Public Health Significance:

Without this option, hand cleanliness is compromised in temporary foodservice operations and potential contamination of surfaces and ready-to-eat food will be increased.

Recommended Solution: The Conference recommends...:

that the Conference Chair send a letter to FDA to urge the following change to the Food Code:

5-203.11 Handwashing Sinks.*

(A) Except as specified in ¶¶ (B) and (C) of this section, at least 1

HANDWASHING SINK, a number of HANDWASHING SINKS necessary for

their convenient use by EMPLOYEES in areas specified under

§ 5-204.11, and not fewer than the number of HANDWASHING SINKS

required by LAW shall be provided.

(B) *If APPROVED and capable of removing the types of soils*

encountered in the FOOD operations involved, automatic

handwashing facilities may be substituted for HANDWASHING SINKS

in a FOOD ESTABLISHMENT that has at least one HANDWASHING SINK.

(C) If APPROVED, when FOOD exposure is limited and HANDWASHING

SINKS are not conveniently available, such as in some mobile or

TEMPORARY FOOD ESTABLISHMENTS or at some VENDING MACHINE

LOCATIONS, EMPLOYEES may use chemically treated towelettes for

handwashing.(D) A generous amount of antiseptic can be rubbed in with plenty of friction and, before dry, rubbed again with a paper towel.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 085
Issue: III-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.

Title:

Quat concentration limits wording change for FDA Food Code.

Issue you would like the Conference to consider:

Annex 3, 4-501.114 mentions 200 ppm of Quats as an example of approved levels of Quats. Most health inspectors recognize 200 ppm as the only acceptable concentration. 40 CFR 180.940 lists and EPA registers Quats at 150-400 ppm concentration.

Public Health Significance:

Variability of concentrations will allow targeting microorganisms not affected by lower sanitizer concentrations.

Recommended Solution: The Conference recommends...:

that the language in 4-501.114 Annex 3 be changed using all concentrations listed in 40 CFR 180.940 and registered by EPA, not just 200 ppm.

Recommended wording change for Annex 3, 4-501.114 of the 2005 FDA Food Code:

The second consideration under this section is whether the product, if approved and listed, is being used in accordance with the "Limits" provided for that product under its 40 CFR 180.940 listing. The concern here is an indirect food additives concern, since chemical sanitizing solutions are not rinsed off in this country. For example, 40 CFR 180.940(a) lists several quaternary ammonium compounds as approved for "food contact surfaces in public eating places, dairy-processing equipment, and food processing equipment and utensils," each listing adding a Limit that states, "When ready for use, the end-use concentration of all quaternary chemicals in the solution is not to exceed 200 ppm of active quaternary compound." ~~If a sanitarian determined that a solution of any of these quats was at 600 ppm, section 7-204.11 would be violated.~~

the concentration of active quaternary compound listed in 40 CFR 180.940(a). For example, if a sanitarian determined that a solution of any of these quats exceeds the concentration listed in 40 CFR 180.940(a) and/or on the EPA registered label, then section 7-204.11 would be violated. The concentration listed on the EPA registered label takes precedence over 40 CFR 180.940.

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 087
Issue: III-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.

Title:

Inconsistency in Quat Concentration information from EPA and FDA.

Issue you would like the Conference to consider:

For food contact hard surface sanitizing, FDA Food Code 2005 (4-501.114, 4-703.11, Annex 3, 4-504.114) provides information on the minimum Chlorine concentration and exposure times based on the solution's temperature and pH. EPA registers sanitizers based on the efficacy data submitted, and requires 1 minute contact time for all food contact surface sanitizers.

Public Health Significance:

The Food Code information can mislead a product user and may suggest using products at a lower concentration and shorter exposure time than was proven by efficacy data submitted to and registered by EPA.

Recommended Solution: The Conference recommends...:

that the language recommending use concentrations, water hardness, and contact times to be based on EPA registered labels.

1. **Remove the table in 4-501.114 (A) and the contact time information in 4-703.11 (C) 1-3.**
2. In 4-501.114 (E) **Food contact hard surface sanitizers** ~~If a chemical SANITIZER other than chlorine, iodine, or a quaternary ammonium compound is used,~~ it shall be applied in accordance with the manufacturer's use directions included **in the EPA registered** labeling.
3. **Remove from Annex 3, 4-504-114 the following paragraph: "By contrast, paragraph 4-703.11(C) addresses exposure time in seconds. For chemical sanitization, this paragraph is only violated when the specified exposure time is not met."**

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**Conference for Food Protection
2006 Issue Form**

**Internal Number: 088
Issue: III-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.

Title:

Alternative cleaning/sanitizing procedure for 2-compartment sinks.

Issue you would like the Conference to consider:

Some chemical sanitizers are not compatible with detergents and may be inhibited resulting in inadequate sanitation when 2 compartment operation is used. To prevent that from happening use of a detergent/sanitizer in both compartments is recommended.

Detergent/sanitizers in some cases are not as good cleaners as detergents; this can make sanitization less effective.

Public Health Significance:

Proper sanitization may not be achieved.

Recommended Solution: The Conference recommends...:

that the following option be added to 4-301.12 Manual Warewashing, Sink Compartment Requirements.

(D) Before a 2-compartment sink is used:

(1) The PERMIT HOLDER shall have its use APPROVED; and

(2) The PERMIT HOLDER shall limit the number of KITCHENWARE items cleaned and SANITIZED in the 2-compartment sink, and shall limit WAREWASHING to batch operations for cleaning KITCHENWARE such as Between cutting one type of raw MEAT and another or cleanup at the end of a shift, and shall:

(a) Make up the cleaning and SANITIZING solutions immediately before use and drain them immediately after use, and

(b) Use a detergent-SANITIZER to SANITIZE and apply the detergent-SANITIZER in accordance with the manufacturer's label instructions and as specified under § 4-501.115, or

(c) Wash in a first compartment sink with a cleaning solution, rinse in the second compartment, drain the rinse water, refill with a Sanitizing solution and apply the sanitizer in accordance with the manufacturer's label instructions.

(ed) Use a hot water SANITIZATION immersion step as specified under ¶ 4-603.16(C).

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Attachments:

**Conference for Food Protection
2006 Issue Form**

**Internal Number: 102
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Council Recommendation: Accepted as Submitted _____ Accepted as Amended _____ No Action _____

Delegate Action: Accepted _____ Rejected _____

All information above the line is for conference use only.

Title:

2 GPM Water Flow at Hand Sinks

Issue you would like the Conference to consider:

With water conservation in mind, many kitchen faucets are shipped from their factories with flows set at 0.5 gallons per minute (GPM). This rate is poor in rinsing, cleaning and is more likely to leave skin irritating soap residues.

Public Health Significance:

Poor water flow reduces hand cleanliness and increases the risk of contamination of ready-to-eat food. Dry and irritated hands are harder to clean. Employees with irritated hands are likely to wash less often.

Recommended Solution: The Conference recommends...:

The Conference recommends that:

a letter be sent to the FDA to urge the following change to the 2005 Food Code:

Water Quantity and Availability

Add a point (C) to section 5-103.11 Capacity.

(A) The water source and system shall be of sufficient capacity to meet the peak water demands of the food establishment.

(B) Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the food establishment.

(C) Water flow will be at a minimum of 2.0 GPM on all hand sinks used by food workers.

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