



the
Conference
for FOOD
PROTECTION

September 28, 2021

Susan Mayne, Ph.D., Director
Center for Food Safety and Applied Nutrition
5100 Paint Branch Parkway (HFS-001)
College Park, MD 20740-3835

Dear Dr. Mayne:

As you are aware, the mission of the Conference for Food Protection (CFP/Conference) is to promote food safety through collaboration and partnership among federal, state, and local regulatory agencies; the food industry; academia; and consumer organizations.

On August 16-20, 2021, CFP held its virtual 2020 Biennial Meeting. The three Councils deliberated on a total of 105 Issues. Of these Issues, the Assembly of State Delegates (a group of representatives from 46 States and the District of Columbia) accepted 73 of the Council recommendations. A number of these accepted Issues deal directly with proposed changes to the current FDA Food Code.

As described in the Conference Procedures and addressed in our MOU with FDA, the Conference Chair must convey any recommendations related to the Food Code to the FDA within 45 days of the Conference meeting, and by agreement, request written response from the FDA to those recommendations within 60 days of receipt. In addition to specific Food Code Issues, we are including several other Issues that recommend FDA's involvement.

In addition to an introduction, this letter contains the following parts:

- Part 1: Conference recommendations for changes to the most current version of the FDA Food Code. This is a listing of Conference recommendations for language changes to the Food Code, including the Food Code annexes.
- Part 2: Other Conference recommendations that may directly or indirectly affect future versions of the Food Code or that suggest FDA's involvement in some way (e.g., through committees, coordination with other agencies and organizations, or other relevant Issues).

30 Elliott Court, Martinsville, IN 46151-1331 • Telephone: 317-696-0573
E-mail: dmcswane.cfp@gmail.com • Web site: www.foodprotect.org
Remit Payment To: 4307 SE Oak Street, Portland, OR 97215

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The CFP Executive Board is planning to meet in Houston, Texas on April 26-27, 2022. We will be reviewing the recommendations of the Conference and FDA's response to those recommendations, as well as other pertinent Issues. In the interim, please feel free to contact me or Glenda Lewis, the FDA liaison on the CFP Executive Board, if you have any questions or concerns or if you need further clarification of the aforementioned recommendations.

FDA's support of and cooperation with the Conference of Food Protection through the years has resulted in an improved regulatory process and enhanced retail food safety. The CFP Executive Board looks forward to continuing this collaboration and partnership with FDA in the coming years. Together we can sustain the progress made in retail food safety to promote public health and meet consumer expectations.

Sincerely,



Rebecca L. Vought, Chair
Conference for Food Protection

ATTACHMENT

cc: Glenda Lewis, Director, Retail Food Protection Staff - FDA/CFSAN, Office of Food Safety
CFP Executive Board

Attachment - 2020 Conference for Food Protection Issue Recommendations

Part 1 – Conference Recommendations for Changes to the FDA Food Code

I-003	Amend Food Code by adding Section 3-101.12 - Donation of Food
	Add definition of the term “Food Donation” to Section 1-201.10 (B)
	Amend Food Code Section 8-101.10 (A) – Public Health Protection to reflect that it also applies to food that is donated.
I-005	Amend Food Code Sections 1-201.10 (B), 3-202.18, and 3-203.12 of the current FDA Food Code to incorporate requirements from the Interstate Shellfish Sanitation Conference 2017 Model Ordinance.
I-006	Amend Food Code Section 3-501.17, Annex 2 and Annex 3 of the current FDA Food Code to remove all references to 21 CFR 110 and replaced with 21 CFR 117.
I-007	Amend Food Code Section 1-201.10 - Statement of Application and Listing of Terms Ready-to-Eat Food
I-012	Amend Food Code Section 4-101.17 – Wood, Use Limitation
I-013	Amend Food Code Section 7-203.11 – Poisonous or Toxic Material Containers
I-019	Amend Food Code Sections 3-305.12 (B), 4-401.11, and 4-903.12 – Storage in Toilet Rooms
I-028	Amend Food Code – Section 6-501.115 – Prohibiting Animals
	Amend Food Code – Section 2-403.11 – Handling Prohibition
I-030	Amend Food Code – Section 7-202.12 - Conditions of Use.
I-031	Amend Food Code – Section 2-103.11 - Person in Charge (Q)
II-013	Amend Food Code – Section 2-103.11 - Person in Charge (N)
II-014	Amend Food Code – subparagraph 3-602.11(C)(2) – Food Labels
II-015	Amend Food Code - Section 3-602.12 – Other Forms of Information
III-003	Amend Food Code Annex 2, Part 3 - Supporting Documents to include a reference to the CFP document titled "Whole Roaster Pigs: Guidance for the Safe Handling and Cooking."
III-006	Amend Food Code Annex 2, Part 3 – Supporting Documents to include a reference to the "Guidance Document for Direct-to-Consumer and Third-Party Delivery Service Food Delivery."
III-009	Amend Food Code – by adding Section 4-302.15 Fruit and Vegetable Wash Solutions, Testing Devices
III-014	Amend Food Code Annex 3 [1-201.10 (B)] to include a reference to all of the approved documents/tools from the Product Assessment Committee.
III-019	Amend Food Code Section 3-8 Special Requirements for Highly Susceptible Population (HSP) to address the cooking of foods that bear a manufacturer's cooking instructions or that Disclose that the food has not been processed to control pathogens as presented in Issue 2020-III-032.
III-023	Amend Section 4-501.114 of Annex 3 - Public Health Reasons/Administrative Guidelines be amended to provide clarification of allowable sanitizers.

III-024	Amend Annex 4, Table 2b - Added Chemical Hazard at Retail, Along with Their Associated Foods and Control Measures." on page 565 of 566.
III-026	Amend Food Code Section 3-302.11 – to clarify when raw animal products do not need separation from RTE when packaged together.
III-027	Amend Food Code Section 5-202.12 – Handwashing Sink Installation
III-032	Amend Food Code to address the cooking of foods that bear a manufacturer's cooking instruction or that disclose that the food has not been processed to control pathogens.
III-034	Amend Food Code Section 1-201.10 and Annex 6 definition of Cook Chill Packaging

Part 2 – Other Recommendations to the Food and Drug Administration

I-012	The Office of Food Additive Safety conduct a safety assessment to determine if the use of untreated white and western red cedar as a food contact surface is a concern and to establish a reasonable certainty of no harm as a result of the proposed use, such that, the public health would be protected if a provision that allows untreated wood planks, such as cedar, for use as a cooking food contact surface is added to the food code.
I-019	Conduct a re-evaluation of the risk designation of storage in toilet rooms
I-032	FDA and FSIS should continue the harmonization efforts in removing the supplier verification that steaks are intact while communicating how to determine when steaks are non-intact.
I-035	Request that FDA addresses vaping and similar activities in all locations in the current FDA Food Code where tobacco use is referenced.
II-018	Request that FDA modify the "Description of Requirements" for "Staffing Level" in Retail Program Standard 8 by including the proposed model assessment tool as an alternative option to assess compliance for the Voluntary National Retail Food Regulatory Program Standards (VNRFPS).
II-020	Ask FDA to maintain the Self- Assessment (SA) Tool that aligns with revisions of the Retail Program Standards Creation of a Retail Food Regulatory Program Alliance.
II-024	Request that Voluntary National Retail Food Regulatory Program Standards, Standard 2: Trained Regulatory Staff, Appendix B-1: Curriculum for Retail Food Safety Inspection Officers be reformatted into a table with curriculum topics in one column and courses which fulfill the curriculum topics in another column. Appendix B-1 Reformatted 1st Draft and 2nd Draft better show that other courses may be used if deemed equivalent by the regulatory jurisdiction.
II-025	Request that FDA review for possible replacement of select courses with committee suggested courses as they contain material that is a significant upgrade in course content and provide more relevant and up-to-date information.
II-026	Request that FDA review suggested coursework for possible addition to Standard 2 Appendix B1 that are not currently covered in the Standard curriculum and are necessary for a new Food Safety Inspection Officer's baseline knowledge.

<p>II-027</p>	<p>Request that FDA amend Voluntary National Retail Food Regulatory Program Standards (VNRFRPS), Standard 2: Trained Regulatory Staff to increase the timeframe for completion of Steps 1 - 4 to 24 months.</p>
<p>II-029</p>	<p>The Executive Board enter purposeful discussion with FDA with the goal of increasing the number of Issues recommended by the Assembly of Delegates for incorporation into the model Food Code that FDA conceptually agrees with. CFP will continue to publish and promote response letters from the FDA detailing the substantive reasoning for the decisions on actions they anticipate taking on each recommendation. A letter or summary of the discussions between CFP and FDA will be written to the "Conference" (Assembly of Delegates) that would summarize outcomes of the discussions.</p>
<p>II-031</p>	<p>Request that FDA revise the Voluntary National Retail Food Regulatory Program Standards (VNRFRPS), Standard 1 - Regulatory Foundation.</p>
<p>II-032</p>	<p>Request that FDA revise the Voluntary National Retail Food Regulatory Program Standards (VNRFRPS), Standard 6 - Compliance and Enforcement.</p>
<p>III-035</p>	<p>Request that both FDA and CDC provide helpful information in controlling and preventing respiratory viruses using disinfectants in food establishments.</p>