2008

Council I

Issue Recommendations
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<td>I_001</td>
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<td>I_002</td>
<td>Plan Review for Food Establishments 2008</td>
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<td>Re-Create: Plan Review Committee</td>
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<td>I_004</td>
<td>American National Standards for Food Equipment - Clarification of Food Code</td>
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<td>I_005</td>
<td>Legal authority to issue permits and adopt regulations</td>
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<td>I_006</td>
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<td>I_008</td>
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<td>I_009</td>
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<td>I_012</td>
<td>Code Section 2-103.11 Duties of the Person In Charge (PIC)</td>
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<td>I_013</td>
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<td>Interstate Shipment of Shellfish</td>
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<td>I_015</td>
<td>Standardized Labeling of Foods That Need Refrigeration</td>
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<td>I_016</td>
<td>Prohibit Undercooked Animal Foods Being Served from Child Menus</td>
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<td>Report from the FDA Criticality Work Group</td>
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<td>I_019</td>
<td>Terminology, Definitions and Process for Food Code Item Criticality</td>
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<td>I_020</td>
<td>Re-designation of Food Code Provisions - Criticality Definitions</td>
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<td>I_021</td>
<td>Incorporation of new FDA three tier criticality ratings into Food Code</td>
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<td>I_023</td>
<td>Preset tableware clarification</td>
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<td>I_024</td>
<td>Toilet Room Doors that open without exiting individuals touching a surface</td>
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<td>I_025</td>
<td>Addition of Foodborne Illness Investigation responsibilities</td>
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<td>I_026</td>
<td>Inclusion of Inspection Result Posting in the FDA Food Code</td>
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<td>I_027</td>
<td>FDA provide on-going Interpretations to both Regulatory Agencies &amp; Industry</td>
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Conference for Food Protection  
2008 Issue Form  

Issue: 2008 I-001

Title: Report: Plan Review Committee

Recommended Solution:
The Conference recommends acknowledgement of the report of the Plan Review Committee. The Conference thanks the Plan Review Committee members for their work and dedication to the plan review documents.

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.
Conference for Food Protection
2008 Issue Form

Issue: 2008 I-002

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All information above the line is for conference use only.

Title: Plan Review for Food Establishments 2008

Recommended Solution:
The Conference recommends that the document titled "Plan Review for Food Establishments 2008" be accepted and posted on the CFP web site following final formatting.

The Conference further recommends that a letter be sent to the FDA requesting that the final version of "Plan Review for Food Establishments 2008" be made available on the FDA web site. The Plan Review Committee worked together with the FDA to revise and update the plan review materials so that there is support from the FDA for the document.

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.
Conference for Food Protection
2008 Issue Form

Issue: 2008 I-003

Council Recommendation: Accepted as Submitted X Amended No Action

Delegate Action: Accepted Rejected

Title: Re-Create: Plan Review Committee

Recommended Solution:
The Conference recommends that the Plan Review Committee continue its review of the Mobile Food Establishment, Permanent Outdoor Cooking Operations, Temporary Food Establishment and Plan Review documents and present their findings at the 2010 CFP Biennial Meeting.

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.
Title: American National Standards for Food Equipment - Clarification of Food Code

Recommended Solution:
The Conference recommends no action.

Reason:
Required language already addressed in the FDA Food Code.

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.
Title: Legal Authority to Issue Permits and Adopt Regulations

Recommended Solution:
The Conference recommends that a letter be written to the FDA requesting that the following language be added to Annex 1 of the Food Code:

Add new Subpart 8-7 and Paragraphs and re-number existing Parts as follows.

Annex 1

1. PURPOSE

2. EXPLANATION

3. PRINCIPLE

4. RECOMMENDATION

5. PARTS

8-6 CONSTITUTIONAL PROTECTION (no change)

8-7 AUTHORITY

8-701.10 The REGULATORY AUTHORITY shall have the requisite legal authority from the appropriate statute/ordinance making authority to adopt and enforce regulations to carry out the administrative and judicial enforcement provisions of the Code that are critical to the framework of a Food Establishment regulatory program, to include the requirement for the issuance of a Permit.

8-701.11 Appropriate modifications to the adoption forms (Form #2-A (Adoption by Reference short form) and #2-B (Adoption by Section-by-Section Reference)) in Annex 7, where used, shall be made consistent with said legal authority to enact regulations and enforce compliance of the Code, whether they are adopted as statutes or regulations.
8-701.20 The Regulatory Authority shall clearly state and reference within the Code the legally sound basis for compliance and enforcement action, the responsibilities of the parties, sanctions for noncompliance and due process.

8-8 NOTICES (Note: existing sections 8-701.10 through 8-701.40 will be relocated here and renumbered only - no language changes)

8-9 REMEDIES (Note: existing sections 8-801.10 through 8-813.10 will be relocated here and renumbered only - no language changes)
Title: Addition to Section 8-403.50 of the FDA Food Code
(Combined with Issue I_026.)

Recommended Solution:
The Conference recommends no action.

Reason:
Already adequately addressed by the individual states or jurisdictions.
### Conference for Food Protection
#### 2008 Issue Form

**Issue:** 2008 I-007

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*All information above the line is for conference use only.*

**Title:** Report: TCS Food Implementation Committee

**Recommended Solution:**
The Conference recommends that the report of the TCS Food Implementation Committee be acknowledged.

*It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.*
Title: Request Approval of the TCS Committee’s Training Document

Recommended Solution:
The Conference recommends

1. that the TCS Food Implementation Committee’s training document titled "TCS Foods - A Model Training Program" be approved.

2. that a letter be sent to the FDA requesting that they monitor and subsequently post on the FDA web site:
   -- any new or additional information that will assist regulators and industry in the implementation of the new PHF/TCS definition;
   -- the finalized "Frequently Asked Questions" from the 2005 TCS survey; and
   -- the response from the National Advisory Committee on Microbiological Criteria for Food (NACMCF) on inoculation studies.

3. that the Conference provide a link the CFP web site to the FDA information noted above; and

4. that the TCS Food Implementation Committee be re-created to complete its charges to ensure posting of information on the CFP web site.

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.
Title: Request FDA provide information, monitor progress, and assist TCS Committee

Recommended Solution:
The Conference recommends no action.

Reason:
Topic addressed in issue I_008.
Title: Demonstration of Knowledge, responding correctly to the inspector questions (Combined with Issue I_011.)

Recommended Solution:
The Conference recommends no action.

Reason:
Required language already addressed in the FDA Food Code.

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.
Title: Demonstration of Knowledge by correct response to inspector questioning
(Combined with Issue I_010.)

Recommended Solution:
The Conference recommends no action.

Reason:
Required language already addressed in the FDA Food Code.
Conference for Food Protection  
2008 Issue Form

Issue: 2008 I-012

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All information above the line is for conference use only.

Title: Code Section 2-103.11 Duties of the Person In Charge (PIC)

Recommended Solution:
The Conference recommends no action.

Reason:
Required language already addressed in the FDA Food Code.

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.
Title: Person in Charge (PIC) Designation - Annex 3 clarification

Recommended Solution:
The Conference recommends that a letter be sent to FDA requesting they work with interested parties on Annex 3 for Section 2-101.11. Assignment in the 2007 Supplement to the Food Code to clarify language that addresses presence of a Person in Charge (PIC) in food establishments where the Regulatory Authority has permitted individual departments of one business entity at a single location (e.g., a grocery store with deli, seafood and produce departments).
Title: Interstate Shipment of Shellfish

Recommended Solution:
The Conference recommends that the Conference send a letter to FDA requesting that:

1. The FDA work with the NSSP to remove reshippers from the ICSSL listing requirement. Shellfish will still need to come from an approved source for harvesting/packing, but once the product is packaged and shipped, the requirement for reshippers (i.e., distribution facilities performing no handling or processing) to be listed on the ICSSL is dropped. (Note: annual verification of a seafood HACCP program still remains); or

2. The FDA provides direct inspection coverage and listing for reshippers in the 17 states not currently participating; and/or

3. The FDA accepts an inspection from an accredited 3\textsuperscript{rd}-party auditing firm for distributors/reshippers within the 17 non-participating states, and provides listing on the ICSSL.
Title: Standardized Labeling of Foods That Need Refrigeration

Recommended Solution:
The Conference recommends that a letter be sent to FDA recommending that FDA work with the appropriate regulatory food programs, the food processing industry, and other interested stakeholders to develop standard, codified refrigeration statements for packaged foods, using the FDA guidance contained in the February 24, 1997 Federal Register notice as the foundation for their development.

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.
### Conference for Food Protection
#### 2008 Issue Form

**Issue: 2008 I-016**

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**Title:** Prohibit Undercooked Animal Foods Being Served from Child Menus

**Recommended Solution:**
The Conference recommends no action.

**Reason:**
Required language already addressed in the FDA Food Code.
Conference for Food Protection
2008 Issue Form

Issue: 2008 I-017

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

All information above the line is for conference use only.

Title: Report: Critical Item Committee

Recommended Solution:
The Conference recommends

1. Acknowledgment of the Critical Item Committee Report and recognition of the efforts committee members put forth in completion of the charges issued by the 2006 Biennial Meeting.

2. Dissolution of the Committee since it has completed the charges issued by the 2006 Biennial Meeting.

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.
**Conference for Food Protection**  
**2008 Issue Form**

**Issue: 2008 I-018**

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All information above the line is for conference use only.

**Title: Report from the FDA Criticality Work Group**

**Recommended Solution:**
The Conference recommends that the Conference for Food Protection acknowledge the receipt of the Report from the FDA Criticality Work Group (Attachment A) with annexes including Instructions for Use of the Criticality Excel Spreadsheet, the Table of Stakeholders' Comments, and the FDA Criticality Excel spreadsheet documenting the decision-making process for re-designation of the Food Code provisions.
Title: Terminology, Definitions and Process for Food Code Item Criticality
(Combined with Issue I_020)

Recommended Solution:
The Conference recommends that a letter be sent to the FDA requesting:

A. The following terminology and definitions be incorporated into the Definitions Section of the Food Code, 1-201.10 (B) in their proper alphabetical order:

Category 1

(1) “Category 1” means an item in the code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there isn’t another provision that more directly controls the hazard.

(2) "Category 1" includes items with a quantifiable measure to show control of the hazard such as cooking, reheating, cooling, handwashing.

(3) "Category 1" is an item that is denoted in this Code with a superscript P - P

Category 2

(1) "Category 2" means an item in the code whose application supports, facilitates or enables one or more priority items.

(2) "Category 2" includes the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling.

(3) "Category 2" is an item that is denoted in this Code with a superscript F - F
“Category 3” means all provisions of the code that are not Category 1 or Category 2 items such as but not limited to items that relate to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

B. The process used to evaluate a food code provision as to criticality is essential to ensure that FDA’s criticality rating can be validated, therefore the FDA Spreadsheet and instructions for use are to be adopted and either incorporated into the Food Code Annexes or placed on FDA’s web site. (See Annexes A and B in the Critical Item Committee Report, Attachment #1 titled, ‘CFP Critical Item Committee Report 2008, Attachment 1’ of the original submitted Issue. Note that Annexes A and B were developed by FDA.)

C. Criticality Implementation and Education Committee will use the above defined terms as temporary terminology until more accurately defined terms can be developed for Issue 2008 I_022.

D. FDA will use the revised defined terms in updating the corresponding Food Code citations.
Title:  Re-designation of Food Code Provisions - Criticality Definitions

Recommended Solution:
The Conference recommends Issue I-020 be combined with Issue I-019 and that Issue I-020 be amended to reflect the language used in the recommended solution on Issue I-019.

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.
Conference for Food Protection
2008 Issue Form

Issue: 2008 I-021

Council Recommendation:

| Accepted as Submitted | X | Accepted as Amended | No Action |

Delegate Action:

| Accepted | Rejected |

All information above the line is for conference use only.

Title: Incorporation of new FDA three tier criticality ratings into Food Code

Recommended Solution:
The Conference recommends that a letter be sent to the FDA requesting they:

1. assign criticality designations to each provision in the Food Code as identified by the FDA Criticality Work Group and the CFP Critical Item Committee.

2. reexamine the criticality designations of the remaining 14 Food Code provisions in which the FDA and the CFP Critical Item Committee were unable to agree upon and which had a 2/3 vote by the Committee to change. These items are listed in the body of the CFP Critical Item Committee Report as well as in Annex C of the CFP Critical Item Committee Report, Attachment 1.

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.
Title: Revisions to the Food Code Resulting from Re-designation

Recommended Solution:
The Conference recommends

1. That FDA revise the provisions in the current FDA Food Code that use the defined term "Critical Item" and replace that term with one or more of the definitions "Category 1," "Category 2" or "Category 3." A summary of the provisions and recommended changes follows. The full text of the provision with strikethrough for deletions and underlining for new language provided on Attachment A of the original submitted Issue, “Text of Revisions to the Food Code Resulting from Re-designation.”

   1. 2-102.11(A) Demonstration - strikethrough critical items and replace with (underline) Category 1.
   2. 8-401.20(A) Performance and Risk-Based - strikethrough critical and replace with (underline) Category 1.
   3. 8-401.20(B) Performance and Risk-Based - strikethrough non-critical and replace with (underline) Category 2 or Category 3.
   4. 8-403.10(B)(3) - strikethrough critical item and replace with (underline) Category 1 or Category 2.
   5. 8-405.11(A) - strikethrough critical item and replace with (underline) Category 1 or Category 2.
   6. 8-405.11(B) - strikethrough critical item and replace with (underline) Category 1 or Category 2.
   7. 8-405.20(A) - strikethrough critical item and replace with (underline) Category 1 or Category 2.
   8. 8-405.20(B) - strikethrough critical item and replace with (underline) Category 1 or Category 2.
   9. 8-406.11(A) - strikethrough non-critical and replace with (underline) Category 3.

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.
2. That CFP create a Criticality Implementation and Education Committee to include the development of a training program, educational information and identify issues of concern to all stakeholders. Recommendations on revised terminology based on focus group consideration are requested to be forwarded for review and acceptance to the Executive Board by December 2008.
Title: Preset Tableware Clarification

Recommended Solution:
The Conference recommends that a letter be sent to FDA requesting amendment to Food Code Paragraphs 4-904.13 (A) and (B) to read:

(A) Except as specified in (B) of this section, tableware that is preset shall be protected from contamination by being wrapped, covered, or inverted.

(B) Preset tableware may be exposed if:

(1) Settings that are not going to be used are removed when a consumer is seated; or

(2) Settings are cleaned and sanitized before further use if the settings are not removed when a consumer is seated.
Title: Toilet Room Doors that open without exiting individuals touching a surface

Recommended Solution:
The Conference recommends no action.

Reason:
Existing program works well and may conflict with current plumbing codes.
Title: Addition of Foodborne Illness Investigation Responsibilities

Recommended Solution:
The Conference recommends no action.

Reason:
Required language already addressed in the FDA Food Code.
Title: Inclusion of Inspection Result Posting in the FDA Food Code
(Combined with Issue I_006.)

Recommended Solution:
The Conference recommends no action.

Reason:
Already adequately addressed by the individual states or jurisdictions.
Title: FDA provide on-going Interpretations to both Regulatory Agencies & Industry

Recommended Solution:
The Conference recommends a letter be sent to the FDA requesting the on-going documentation and publication of Interpretations related to the Food Code, as a critical part of assuring consistent compliance from State to State.