



2008

Council I

Issue Recommendations

Conference For Food Protection – 2008

Council I

No.	Title	AS	AA	NA	Other
I_001	Report: Plan Review Committee	X			
I_002	Plan Review for Food Establishments 2008	X			
I_003	Re-Create: Plan Review Committee	X			
I_004	American National Standards for Food Equipment - Clarification of Food Code			X	
I_005	Legal authority to issue permits and adopt regulations		X		
I_006	Addition to Section 8-403.50 of the FDA Food Code			X	
I_007	Report: TCS Food Implementation Committee	X			
I_008	Request Approval of the TCS Committee's Training Document	X			
I_009	Request FDA provide information, monitor progress, and assist TCS Committee			X	
I_010	Demonstration of Knowledge, responding correctly to the inspector questions			X	
I_011	Demonstration of Knowledge by correct response to inspector questioning			X	
I_012	Code Section 2-103.11 Duties of the Person In Charge (PIC)			X	
I_013	Person in Charge (PIC) Designation - Annex 3 clarification		X		
I_014	Interstate Shipment of Shellfish	X			
I_015	Standardized Labeling of Foods That Need Refrigeration	X			
I_016	Prohibit Undercooked Animal Foods Being Served from Child Menus			X	
I_017	Report: Critical Item Committee	X			
I_018	Report from the FDA Criticality Work Group	X			
I_019	Terminology, Definitions and Process for Food Code Item Criticality		X		
I_020	Re-designation of Food Code Provisions - Criticality Definitions		X		
I_021	Incorporation of new FDA three tier criticality ratings into Food Code	X			
I_022	Revisions to the Food Code Resulting from Re-designation		X		
I_023	Preset tableware clarification	X			
I_024	Toilet Room Doors that open without exiting individuals touching a surface			X	
I_025	Addition of Foodborne Illness Investigation responsibilities			X	
I_026	Inclusion of Inspection Result Posting in the FDA Food Code			X	
I_027	FDA provide on-going Interpretations to both Regulatory Agencies & Industry	X			

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-001

Council Recommendation:	Accepted as Submitted	<input checked="" type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input type="checkbox"/>
Delegate Action:	Accepted	<input type="checkbox"/>	Rejected	<input type="checkbox"/>		

All information above the line is for conference use only.

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.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-002

Council Recommendation:	Accepted as Submitted	<u> X </u>	Accepted as Amended	<u> </u>	No Action	<u> </u>
Delegate Action:	Accepted	<u> </u>	Rejected	<u> </u>		

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.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-003

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

All information above the line is for conference use only.

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.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-004

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	No Action _____	<u> X </u>
Delegate Action:	Accepted _____	Rejected _____		

All information above the line is for conference use only.

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.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-005

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	<input checked="" type="checkbox"/> No Action _____
Delegate Action:	Accepted _____	Rejected _____	

All information above the line is for conference use only.

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.

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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)

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-006

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	No Action _____	<u> X </u>
Delegate Action:	Accepted _____	Rejected _____		

All information above the line is for conference use only.

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

Council Recommendation:	Accepted as Submitted	<input checked="" type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input type="checkbox"/>
Delegate Action:	Accepted	<input type="checkbox"/>	Rejected	<input type="checkbox"/>		

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.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-008

Council Recommendation:	Accepted as Submitted	<input checked="" type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input type="checkbox"/>
Delegate Action:	Accepted	<input type="checkbox"/>	Rejected	<input type="checkbox"/>		

All information above the line is for conference use only.

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.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-009

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	No Action _____	<u> X </u>
Delegate Action:	Accepted _____	Rejected _____		

All information above the line is for conference use only.

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.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-010

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	No Action _____	<u> X </u>
Delegate Action:	Accepted _____	Rejected _____		

All information above the line is for conference use only.

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.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-011

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	No Action _____	<u> X </u>
Delegate Action:	Accepted _____	Rejected _____		

All information above the line is for conference use only.

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

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	No Action _____	<u> X </u>
Delegate Action:	Accepted _____	Rejected _____		

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.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-013

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	<input checked="" type="checkbox"/> No Action _____
Delegate Action:	Accepted _____	Rejected _____	

All information above the line is for conference use only.

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).

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-014

Council Recommendation:	Accepted as Submitted	<input checked="" type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input type="checkbox"/>
Delegate Action:	Accepted	<input type="checkbox"/>	Rejected	<input type="checkbox"/>		

All information above the line is for conference use only.

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 3rd-party auditing firm for distributors/reshippers within the 17 non-participating states, and provides listing on the ICSSL.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-015

Council Recommendation:	Accepted as Submitted	<input checked="" type="checkbox"/>	Accepted as Amended	<input type="checkbox"/>	No Action	<input type="checkbox"/>
Delegate Action:	Accepted	<input type="checkbox"/>	Rejected	<input type="checkbox"/>		

All information above the line is for conference use only.

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.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 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: 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	<u> X </u>	Accepted as Amended	<u> </u>	No Action	<u> </u>
Delegate Action:	Accepted	<u> </u>	Rejected	<u> </u>		

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.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-018

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 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.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-019

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	<input checked="" type="checkbox"/> No Action _____
Delegate Action:	Accepted _____	Rejected _____	

All information above the line is for conference use only.

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

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.

Category 3

“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.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-020

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	<input checked="" type="checkbox"/> No Action _____
Delegate Action:	Accepted _____	Rejected _____	

All information above the line is for conference use only.

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.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-021

Council Recommendation:	Accepted as Submitted	<u> X </u>	Accepted as Amended	<u> </u>	No Action	<u> </u>
Delegate Action:	Accepted	<u> </u>	Rejected	<u> </u>		

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.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-022

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

Delegate Action: Accepted _____ Rejected _____

All information above the line is for conference use only.

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.

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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.

**Conference for Food Protection
2006 Issue Form**

Issue: 2006 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: 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.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-024

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	No Action _____	<u> X </u>
Delegate Action:	Accepted _____	Rejected _____		

All information above the line is for conference use only.

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.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-025

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	No Action _____	<u> X </u>
Delegate Action:	Accepted _____	Rejected _____		

All information above the line is for conference use only.

Title: Addition of Foodborne Illness Investigation Responsibilities

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-026

Council Recommendation:	Accepted as Submitted _____	Accepted as Amended _____	No Action _____	<u> X </u>
Delegate Action:	Accepted _____	Rejected _____		

All information above the line is for conference use only.

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.

**Conference for Food Protection
2008 Issue Form**

Issue: 2008 I-027

Council Recommendation:	Accepted as Submitted	<u> X </u>	Accepted as Amended	<u> </u>	No Action	<u> </u>
Delegate Action:	Accepted	<u> </u>	Rejected	<u> </u>		

All information above the line is for conference use only.

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.