



Conference for Food Protection

2020

Biennial Meeting

***held in a virtual format
in August 2021***

**Council I – Laws and
Regulations**

Final Issue

***Recommendations with
Assembly of State
Delegates Action***

Council Leadership

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Larry Kohl, Retail Business Services, LLC, Salisbury, NC

Michael Luczynski, Boar's Head Brand, Sarasota, FL

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Council I – 2020 Issue Listing

Number	Issue Title	As Submitted	As Amended	No Action	Assembly Action
I-001	Food Recovery Committee (FRC) Report	X			Accepted
I-002	FRC Infographic Handouts Acceptance for Approval and Posting		X		Accepted
I-003	FRC Food Code Amendment		X		Accepted
I-004	CFP- ISSC: Report and Recreate CFP- ISSC Joint Committee on Shellfish.		X		Accepted
I-005	CFP- ISSC Joint Committee on Shellfish; Amend Food Code	X			Accepted
I-006	Amend Food Code and Annex references to 21 CFR 110 with 21 CFR 117.	X			Accepted
I-007	Amend Food Code 1-201.10 replace Fruits and Vegetables with term Plant Food	X			Accepted
I-008	Amend Food Code 1-201.10 Statement of Application & Listing of Terms (PHF)			X	Accepted
I-009	Condition Control Food			X	Accepted
I-010	Amend Food Code – Clarify “Equipment” definition			X	Accepted
I-011	Amend Food Code – Clarify “Utensil” Definition			X	Accepted
I-012	Use Limitation of Untreated Wood for Cooking Surface		X		Accepted
I-013	Adding Utensils and other Food Contact Items to 7-203.11		X		Accepted
I-014	Enhancing Protection of Food Contact Surfaces - Section 3-304.11			X	Accepted
I-015	Amend Code to Include authority to conduct foodborne illness investigations		X		Accepted
I-016	Interpretation of Food Code for obtaining consumer purchase records			X	Accepted
I-017	Obtain Purchase Information as part of a Foodborne Outbreak Investigation			X	Accepted
I-018	Amend the Food Code to Require Consumer Notification of Food Recalls			X	Accepted
I-019	Storage in Toilet Rooms		X		Accepted
I-020	Sanitation Controls at Community Kitchens (AKA: Shared-Kitchens, Incubators)			X	Accepted
I-021	Use of Personal Containers for non-TCS Bulk Foods	<i>Transferred to Council III</i>			
I-022	Amend Food Code to Harmonize the Definition Reusable Container	<i>Transferred to Council III</i>			
I-023	Amend Food Code to Address New Reusable Scenarios in Food Retail	<i>Transferred to Council III</i>			
I-024	Creation of a Committee - Address Reusable Scenarios in Food Retail	<i>Transferred to Council III</i>			
I-025	Amend Food Code– Update definitions in relation to food for animals			X	Accepted
I-026	Amend Food Code – Preventing Contamination By (and To) Consumers			X	Accepted
I-027	Creation of Committee- Review of Food Code in relation to food for animals			X	Accepted
I-028	Amend Food Code – Permit Pet Dogs in Outdoor Dining Areas		X		Accepted
I-029	Prohibiting Animals to Allow for Dogs in Outside Areas of Premises			X	Accepted
I-030	Removing the Reference to Restricted Use Pesticides in 7-202.12(B)(2)	X			Accepted
I-031	Person in Charge 2-103.11	X			Accepted

Number	Issue Title	As Submitted	As Amended	No Action	Assembly Action
I-032	Whole Muscle Intact Beef Labeling		X		Accepted
I-033	Designated Areas to Include Vaping			X	Accepted
I-034	Eating, Drinking, or Using Tobacco to Include Vaping			X	Accepted
I-035	When to Wash to Include Vaping	X			Accepted

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-001

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

All information above the line is for conference use only.

Title:

Food Recovery Committee (FRC) Report

Recommended Solution: The Conference recommends...:

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

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-002

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

Delegate Action: Accepted **X** Rejected _____

All information above the line is for conference use only.

Title:

FRC Infographic Handouts Acceptance for Approval and Posting

Recommended Solution: The Conference recommends...:

1. Addition to the CFP's 2016 revision of the Comprehensive Resource for Food Recovery Programs the following four (4) info graphic sheets;

1A Handout Draft – How Food Establishments Can Donate Food;

1B Handout Draft – How to Transport Donated Food;

1C Handout Draft – How to Serve Donated Food;

1D Handout Draft – Serving Highly Susceptible Populations

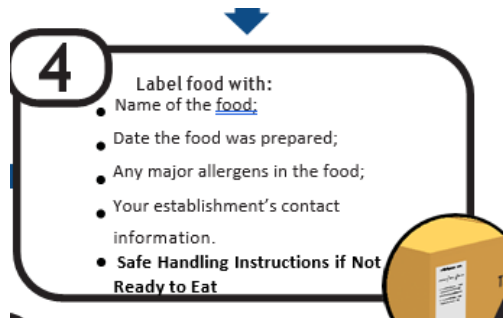
2. Amend the info graphic sheets listed under 1 above as follows:

A. Handout - How Food Establishments Can Donate Food

(1) added “label them with major allergen(s)” - *shown in bold*



(2) added “Safe Handling Instructions if Not Ready to Eat” – *shown in bold*



(3) removed reference to infant food - *remaining reference in bold*

Additional Donation Information

"Best by" Dates

Food packaging dates ("best by," "use by," and "sell by") are meant to tell consumers how long the product will be at peak quality. They do not indicate when the food is safe to eat. If handled properly, most foods will be safe to eat well after the "best by" date and could potentially be donated. Before donating foods that are past their "best by" date, confirm with the charitable feeding organization that it will accept them. **Throw away infant formula**

B. Handout – How to Serve Donated Foods

(1) added to table "Expired Infant Formula" - *shown in bold*

Canned/Boxed Foods	Good Condition	<ul style="list-style-type: none"> • Leaking, damaged, or bulging packaging • Open packages • Home-canned products • Packaged products that show evidence of insect or rodent damage or infestation • Expired Infant Formula
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C. To All 4 info graphics sheets

(1) Add "**Disclaimer: Information on this infographic is not attempting to describe a state/local regulation. For further information please contact the state or local public health authority responsible for food safety."

3. Authorizes the Conference to make any necessary edits prior to posting the document(s) on the CFP website to assure consistency of format and non-technical content; edits will not affect the technical content of the document.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-003

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

All information above the line is for conference use only.

Title:

FRC Food Code Amendment

Recommended Solution: The Conference recommends...:

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

1. Amendment of the current FDA Food Code to include:

a) Add general provision as section 3-101.12 Donation of Food, acknowledging that it is appropriate for licensed retail and foodservice establishments to donate food to organizations provided that the food has been stored, held, prepared or displayed in a manner that is in accordance with the applicable food safety requirements contained in the Food Code. Text to be considered for inclusion in the CFP Issue submission could be as follows: "FOOD that has been received, stored, held, prepared, displayed, and labeled in accordance with Chapter 3 may be offered for FOOD DONATION."

b) Add a definition of the term "FOOD DONATION" to section 1-201.10 (B) to establish a recognized definition for that term so that when it is used in the Food Code, its meaning is widely understood as distributing food to another organization for charitable purposes with the intention that it be consumed by humans. Text to be considered for inclusion in the CFP Issue submission could be as follows: "FOOD DONATION: Practice by which a FOOD ESTABLISHMENT offers FOOD at no cost to an organization for distribution to, and consumption by, individuals."

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

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-004

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

All information above the line is for conference use only.

Title:

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

Recommended Solution: The Conference recommends...:

1. Please see attached committee report (CFP- ISSC Joint Committee on Shellfish; Issue: 2016 I-023).
2. The Co-Chairs would like the conference to acknowledge the committee report and thank the committee members for their work.
3. The Conference recommends CFP- ISSC Joint Shellfish Committee be recreated as a Council Committee. The attached annual report identifies the Committees work regarding a lack of resources available for State and Local retail food inspectors and retail food establishments. Therefore, the Committee recommends the following charges
 - a. Continue work to develop guidance documents for foodborne illness outbreak investigations for State and Local retail food inspectors and documents for best practices related to compliance for traceability for retail food establishments.
 - b. Report the committee's findings and recommendations at the next CFP Biennial Meeting.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-005

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

All information above the line is for conference use only.

Title:

CFP- ISSC Joint Committee on Shellfish; Amend Food Code

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that Sections 1-201.10 (B), 3-202.18, and 3-203.12 of the current FDA Food Code be amended to incorporate requirements from the Interstate Shellfish Sanitation Conference 2017 Model Ordinance. Specific proposed language as follow (*new language is underlined; existing language to be deleted is in strikethrough format*):

1-201.10 (B)

"Certification number" means ~~a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.~~ the unique identification number issued by the SHELLFISH CONTROL AUTHORITY to each dealer for each location. Each certification number shall consist of a one to five digit Arabic number preceded by the two letter State abbreviation and followed by a two letter abbreviation for the type of activity or activities the dealer is qualified to perform in accordance with this provision of the National Shellfish Sanitation Program using the following terms: shellstock shipper (SS), shucker-packer (SP), repacker (RP), and Depuration Processor(DP).

"Commingle" means:

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

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

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

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

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

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

(A) Shellstock shall be obtained in containers bearing legible source identification tags or labels that are affixed by a dealer that depurates, ships, or reships the shellstock, as specified in the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish, and ~~that list are listed in the Interstate Certified Shellfish Shippers List.~~
Pf

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

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

~~(b) The date of harvesting, Pf~~

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

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

~~(e) The following statement in bold, capitalized type: "This tag is required to be attached~~

~~until container is empty or retagged and thereafter kept on file for 90 days; Pf and~~

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

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

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

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

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

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

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

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

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

(B) A container of shellstock and in-shell product that does not bear a tag or label or that bears a tag or label that does not contain all the information as specified under subsection A of this section shall be subject to a hold order, as allowed by law, or seizure and destruction in accordance with 21 CFR Subpart D - Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d).^{Pf}

~~(C) If a place is provided on the harvester's tag or label for a DEALER'S name, address, and CERTIFICATION NUMBER, the DEALER'S information shall be listed first.~~

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

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

~~(D) (E) In-shell product shall be obtained in containers bearing legible source identification tags or labels that are affixed by a dealer that depurates, ships, or reships the in-shell product, as~~
specified in the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish, and that list: that are listed in the Interstate Certified Shellfish Shippers List. ^P

(1) The dealer tag or label on in-shell product shall contain the following indelible, legible information in the order specified below: ^{Pf}

(a) The dealer's name and address; ^P

- (b) The dealer's certification number as assigned by the SHELLFISH CONTROL AUTHORITY; ^{Pf}
- (c) The original shellstock shipper's certification number. If depurated the original shellstock shipper's certification number is not required. ^{Pf}
- (d) A "SELL BY DATE" or the words "BEST IF USED BY" followed by a date when the product is expected to reach its shelf life. The date shall include month, day, and year. ^{Pf}
- (e) If depurated, the depuration cycle number or lot number. ^{Pf}
- (f) The most precise identification of the harvest location as is practicable including the initials of the State of harvest, and the SHELLFISH CONTROL AUTHORITY'S designation of the growing area.
- (g) The type and quantity of in-shell product; ^{Pf}
- (h) The following statement in bold, capitalized type: "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE, IN CHRONOLOGICAL ORDER, FOR 90 DAYS. RETAILERS: DATE WHEN LAST SHELLFISH FROM THIS CONTAINER SOLD OR SERVED (INSERT DATE) _____." OR "THIS LABEL IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE, IN CHRONOLOGICAL ORDER, FOR 90 DAYS" RETAILERS: DATE WHEN LAST SHELLFISH FROM THIS CONTAINER SOLD OR SERVED (INSERT DATE) _____. ^{Pf}
- (i) The statement "Keep Refrigerated" or an equivalent statement. ^{Pf}

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

- A. Except as specified under subdivision (C) (2) of this section, shellstock and in-shell product tags or labels shall remain attached to the container in which the shellstock and in-shell product are received until the container is empty.^{Pf}
- B. The date when the last shellstock and in-shell product from the container is sold or served shall be recorded on the tag or label.^{Pf}
- C. The identity of the source of shellstock and in-shell product that are sold or served shall be maintained by retaining shellstock and in-shell product tags or labels for 90 calendar days from the date that is recorded on the tag or label as specified in subsection B of this section, by:^{Pf}

1. Using an approved recordkeeping system that keeps the tags or labels in chronological order correlated to the date that is recorded on the tag or label, as specified under subsection B of this section;^{Pf} and
2. If shellstock and in-shell product are removed from its tagged or labeled container:

- a. Preserving source identification by using a recordkeeping system as specified under subdivision C 1 of this section,^{Pf} and
- b. Ensuring that shellstock, in-shell product, or shucked shellfish from one tagged or labeled container are not commingled with shellstock, in-shell product, or shucked shellfish from another container with different certification numbers, different harvest dates, or different growing areas as identified on the tag or label before being ordered by the consumer.^{Pf}

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-006

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

All information above the line is for conference use only.

Title:

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

Recommended Solution: The Conference recommends...:

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

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-007

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

All information above the line is for conference use only.

Title:

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

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA requesting that Section 1-201.10 Statement of Application and Listing of Terms of the current Food Code be amended as follows (*new language is underlined; existing language to be deleted is in strikethrough format*):

Section 1-201.10 Statement of Application and Listing of Terms

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

- (a) Raw animal FOOD that is cooked as specified under § 3-401.11 or 3-401.12, or frozen as specified under § 3-402.11;
- (b) Raw fruits and vegetables that are washed as specified under § 3-302.15;
- (c) ~~Fruits and vegetables~~ Plant foods that are cooked for hot holding, as specified under § 3-401.13;
- (d) All TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is cooked to the temperature and time required for the specific FOOD under Subpart 3-401 and cooled as specified under § 3-501.14;

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-008

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

All information above the line is for conference use only.

Title:

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

Recommended Solution: The Conference recommends...:

no action because the term Potentially Hazardous Foods (PHF) remains a useful link as industry and jurisdictions continue to transition. For example, many laws, regulations, and scientific studies use the term PHF.

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-009

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

All information above the line is for conference use only.

Title:

Condition Control Food

Recommended Solution: The Conference recommends...:

no action because the Issue is adequately addressed in the current FDA Food Code, Section 1-201.10(b) and that insufficient science or information has been provided to take action on the Recommended Solution.

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-010

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

All information above the line is for conference use only.

Title:

Amend Food Code – Clarify “Equipment” definition

Recommended Solution: The Conference recommends...:

no action because the Issue is adequately addressed in the current FDA Food Code, Section 4-101.19.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-011

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

All information above the line is for conference use only.

Title:

Amend Food Code – Clarify “Utensil” Definition

Recommended Solution: The Conference recommends...:

no action because the Issue is adequately addressed in the current FDA Food Code, Sections 1-201.10(b), 3-304.15(a), 4-102.11, and 4-502.13.

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-012

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

All information above the line is for conference use only.

Title:

Use Limitation of Untreated Wood for Cooking Surface

Recommended Solution: The Conference recommends...:

1. That a letter be sent to FDA requesting § 4-101.17 of the current FDA Food Code be amended as follows (*new language is underlined; existing language to be deleted is in strikethrough format*)

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

(E) Untreated white and western red cedar wood planks which are made from safe and clean materials as specified in ¶ 4-102.11(B) and with the intention to be a food contact surface may be used as a single-use cooking utensil and may subsequently be used as the serving UTENSIL

2. That a letter be sent to FDA Office of Food Additive Safety requesting they 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.

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-013

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

All information above the line is for conference use only.

Title:

Adding Utensils and other Food Contact Items to 7-203.11

Recommended Solution: The Conference recommends...:

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

7-203.11 Poisonous or Toxic Materials

A container previously used to store POISONOUS OR TOXIC MATERIALS may not be used to store, transport, or dispense:

- a. FOOD ^{P₁}
- b. EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE or SINGLE-USE ARTICLES. ^{Pf}

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**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-014

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

All information above the line is for conference use only.

Title:

Enhancing Protection of Food Contact Surfaces - Section 3-304.11

Recommended Solution: The Conference recommends...:

no action because the Issue is adequately addressed in the current FDA Food Code, Annex 3, Section 3-304.11.

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-015

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

All information above the line is for conference use only.

Title:

Amend Code to Include authority to conduct foodborne illness investigations

Recommended Solution: The Conference recommends...:

establish a Foodborne Illness Investigation Committee to examine consumer purchase history with the following charges:

1. Determine if it would be appropriate to place language in the current Food Code to address regulatory authority for foodborne illness investigation and obtaining purchase history information. If appropriate, then;
 - a. Draft language for an amendment to the current FDA Food Code giving regulatory authorities authority for access during foodborne illness investigations
 - b. Draft language for an amendment to the Food code giving regulatory authorities access to consumer purchase history information.
 - c. Include maintaining customer data protection as confidential when managing a foodborne illness investigation.
2. Include methods to educate and collaborate with industry and regulatory authorities.
3. Report progress back at the next Biennial meeting and complete the charges by the subsequent 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
2020 Issue Form**

Issue: 2020 I-016

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

All information above the line is for conference use only.

Title:

Interpretation of Food Code for obtaining consumer purchase records

Recommended Solution: The Conference recommends...:

no action because the Issue was combined with Issues 2020 I-015 and 2020 I-017 and is addressed in Issue 2020 I-015.

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-017

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

All information above the line is for conference use only.

Title:

Obtain Purchase Information as part of a Foodborne Outbreak Investigation

Recommended Solution: The Conference recommends...:

no action because the Issue was combined with Issues 2020 I-015 and 2020 I-016 and is addressed in Issue 2020 I-015.

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-018

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

All information above the line is for conference use only.

Title:

Amend the Food Code to Require Consumer Notification of Food Recalls

Recommended Solution: The Conference recommends...:

no action because the Issue falls under the jurisdiction of the Food Safety Modernization Act in Section 211, the Federal Meat Inspection Act, the Poultry Product Inspection Act, and the Egg Product Inspection Act.

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-019

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

All information above the line is for conference use only.

Title:

Storage in Toilet Rooms

Recommended Solution: The Conference recommends...:

1. A letter be sent to FDA requesting re-evaluation of the risk designation process as it relates to this Issue.

2. A letter be sent to FDA requesting amending the following sections of the current FDA Food Code from Core designation to Priority foundation (Pf) designation (*new language is underlined; existing language to be deleted is in strikethrough format*):

3-305.12(B), Food Storage, Prohibited Areas

(B) In toilet rooms Pf:

4-401.11 Equipment, Clothes Washers and Dryers and Storage Cabinets, Contamination Prevention

(A)(2) In toilet rooms Pf;

4-903.12 Prohibitions

(A)(2) In toilet rooms Pf

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-020

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

All information above the line is for conference use only.

Title:

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

Recommended Solution: The Conference recommends...:

no action because the Issue is adequately addressed in the most current FDA Food Code Annex 4 and 5.

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-025

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

All information above the line is for conference use only.

Title:

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

Recommended Solution: The Conference recommends...:

no action taken because this Issue is not within the scope of the most current FDA Food Code as discussed with Issues I-026 and I-027.

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-026

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

All information above the line is for conference use only.

Title:

Amend Food Code – Preventing Contamination By (and To) Consumers

Recommended Solution: The Conference recommends...:

no action taken because this Issue is not within the scope of the most current FDA Food Code as discussed with Issues 2020 I-025 and 2020 I-027.

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-027

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

All information above the line is for conference use only.

Title:

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

Recommended Solution: The Conference recommends...:

no action taken because this Issue is not within the scope of the most current FDA Food Code as discussed with Issues 2020 I-025 and 2020 I-026.

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-028

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

All information above the line is for conference use only.

Title:

Amend Food Code – Permit Pet Dogs in Outdoor Dining Areas

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the following:

1. Section 6-501.115 of the current FDA Food Code be amended as follows (*new language is underlined; existing language to be deleted is in strikethrough format*):

6-501.115 Prohibiting Animals.

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

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

- 1) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;
- 2) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;
- 3) In areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or person, if a health or safety hazard will not result from the presence or activities of the service animal;
- 4) Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:

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

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

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

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

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

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

b. The pet dog is on a leash, confined to a pet carrier, or otherwise physically restrained.

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

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

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

f. Pet dogs are not allowed to physically contact FOOD, serving dishes, UTENSILS, tableware, LINENS, unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES or other FOOD service items that may result in contamination of FOOD or FOOD-CONTACT SURFACES,

g. Food and water provided to dogs shall only be in single-service containers,

h. The outdoor dining area, including the exterior walls and floors, is maintained clean, and surfaces that have been contaminated with dog excrement or other bodily fluids (urine, saliva, and vomit, etc.) shall be immediately cleaned and sanitized,

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

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

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

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

2. Also to Amend 2-403.11(A) to properly reference the new ¶6-501.115 (B)(6):

2-403.11 Handling Prohibition

(A) Except as specified in ¶ (B) of this section, FOOD EMPLOYEES may not care for or handle animals that may be present such as patrol dogs, SERVICE ANIMALS, or pets that are allowed as specified in Subparagraphs 6-501.115(B)(2)-(5)(6). Pf

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-029

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

All information above the line is for conference use only.

Title:

Prohibiting Animals to Allow for Dogs in Outside Areas of Premises

Recommended Solution: The Conference recommends...:

no action because the Issue is already addressed in Issue 2020 I-028.

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-030

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

All information above the line is for conference use only.

Title:

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

Recommended Solution: The Conference recommends...:

that a letter be sent to FDA recommending that Section 7-202.12 of the current FDA Food Code be amended as follows (*new language is underlined; existing language to be deleted is in strikethrough format*):

7-202.12 Conditions of Use.

POISONOUS OR TOXIC MATERIALS shall be:

(A) Used according to:

- (1) LAW and this Code,
- (2) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a FOOD ESTABLISHMENT, ^P
- (3) The conditions of certification, if certification is required, for use of the pest control materials, ^P and
- (4) Additional conditions that may be established by the REGULATORY AUTHORITY; and

(B) Applied so that:

- (1) A HAZARD to EMPLOYEES or other PERSONS is not constituted, ^P and
- (2) Contamination including toxic residues due to drip, drain, fog, splash or spray on FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE

and SINGLE-USE ARTICLES is prevented, and for a ~~RESTRICTED-USE PESTICIDE~~, pesticide this is achieved by: ^P

- (a) Removing the items, ^P
- (b) Covering the items with impermeable covers, ^P or
- (c) Taking other appropriate preventive actions, ^P and
- (d) Cleaning and SANITIZING EQUIPMENT and UTENSILS after the application. ^P

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-031

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

All information above the line is for conference use only.

Title:

Person in Charge 2-103.11

Recommended Solution: The Conference recommends...:

send a letter to FDA requesting the addition of language under **2-103.11 Person In Charge** of the current FDA Food Code to include *(new language is underlined; existing language to be deleted is in strikethrough format)*:

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

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-032

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

All information above the line is for conference use only.

Title:

Whole Muscle Intact Beef Labeling

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA and FSIS to continue the harmonization efforts in removing the supplier verification that steaks are intact while communicating how to determine when steaks are non-intact.

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-033

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

All information above the line is for conference use only.

Title:

Designated Areas to Include Vaping

Recommended Solution: The Conference recommends...:

no action because the Issue is addressed in Issue 2020 I-035 as discussed with Issues 2020 I-034 and 2020 I-035.

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-034

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

All information above the line is for conference use only.

Title:

Eating, Drinking, or Using Tobacco to Include Vaping

Recommended Solution: The Conference recommends...:

no action because the Issue is addressed in Issue 2020 I-035 as discussed with Issues 2020 I-033 and 2020 I-035.

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

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-035

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

All information above the line is for conference use only.

Title:

When to Wash to Include Vaping

Recommended Solution: The Conference recommends...:

that a letter be sent to the FDA to request that they address vaping and similar activities in all locations in the current FDA Food Code where tobacco use is referenced.

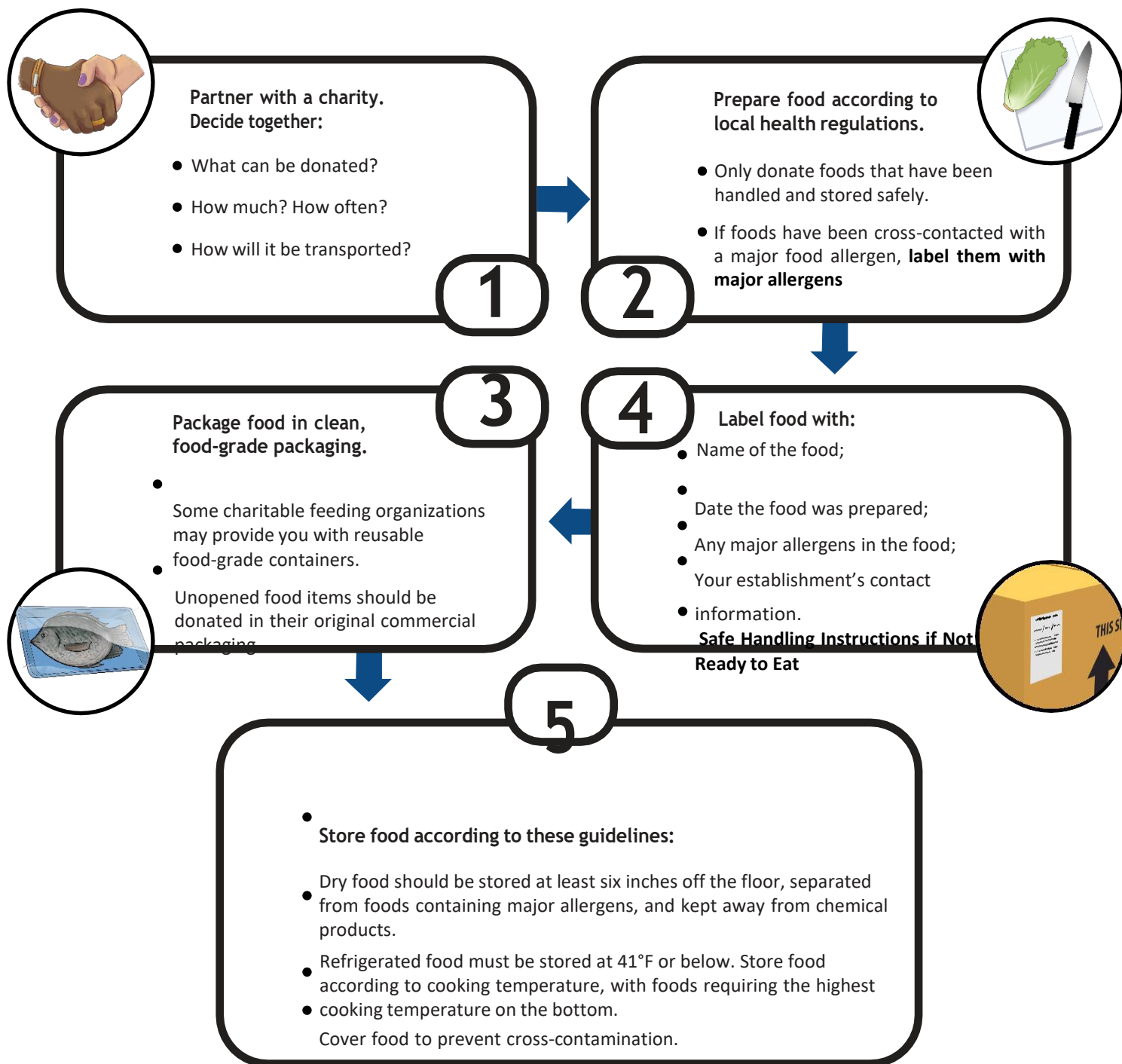
It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.



How Food Establishments Can Donate Food

Businesses that donate food are protected from liability by the Bill Emerson Good Samaritan Food Donation Act and may be eligible for federal tax deductions or state tax incentives.

Follow this process when donating surplus food:



Store all foods separately from unsafe, spoiled, or recalled

foods.



How to Hand Off Food

Before handing off donated food to a delivery driver, take these steps.

1. Ensure that the transporting vehicle has special equipment to keep hot foods hot and cold foods cold. Insulated coolers, insulated blankets, frozen ice packs, hot boxes, or refrigerated compartments can all be used to provide temperature control.
2. Keep the following records:

Name and location of food donor

Date the food was prepared/harvested

Type of food donated

Food temperature at pickup

Name of the person who transported the food



Additional Donation Information

“Best by” Dates

Food packaging dates (“best by,” “use by,” and “sell by”) are meant to tell consumers how long the product will be at peak quality. They do not indicate when the food is safe to eat. If handled properly, most foods will be safe to eat well after the “best by” date and could potentially be donated. Before donating foods that are past their “best by” date, confirm with the charitable feeding organization that it will accept them. **Throw away infant formula**



Food Recalls

Contact the charitable feeding organization if a food recall is issued that you know affects donated food. The recipient organization is also responsible to help track food recalls.





How to Serve Donated Food

As a volunteer for a charitable feeding organization, you should follow these basic food safety principles.

When receiving new food donations, make sure:

All food is from approved suppliers.

Manufactured food is in original, sealed, and undamaged packages.

Food prepared at retail establishments is labeled with food name, date prepared, major allergens, and the establishment's contact information.

Food Type	Receiving Requirements	Foods to Avoid
Prepared Foods	Cold - 41° or below Hot - 135° F or above Frozen solid	<ul style="list-style-type: none"> Foods that are in the danger zone (41° F - 135° F) Previously reheated foods Previously served foods
Chilled Prepackaged Perishables	41° F or below	<ul style="list-style-type: none"> Foods that are above 41° F Damaged or bulging packaging Raw or unpasteurized dairy products and juices
Raw Meat Poultry, Fish	41° F or below (Unfrozen) Frozen solid	Raw meat products that are above 41° F Frozen foods that are thawed (defrosted)
Whole Produce	Good Condition	<ul style="list-style-type: none"> Food that is dirty or has significant decay Foods grown without good agricultural practices (Exposed to contamination)
Cut Produce	41° F or below	<ul style="list-style-type: none"> Cut produce that is above 41° F Color change or decay
Baked Goods	Good Condition	<ul style="list-style-type: none"> Moldy or stale products Evidence of damaged packaging (mice, rats)
Canned/Boxed Foods	Good Condition	<ul style="list-style-type: none"> Leaking, damaged, or bulging packaging Open packages Home-canned products Packaged products that show evidence of insect or rodent damage or infestation <p>Expired Infant Formula</p>



Repackaging Food

If you repackage any food, label it with the food name, date prepared, and major allergens among the ingredients. Do not vacuum pack any food.

Don't handle food if you're feeling sick.

Wash hands frequently & always use gloves.

Only use potable (drinkable) water.



- Foods:**
- Poultry (chicken, turkey, duck, fowl)
 - Stuffing made with fish, meat, or poultry
 - Stuffed meat, fish, poultry, and pasta
 - Dishes made from previously cooked foods

Temperature: 165°F

Time: instantaneous

165°F

- Foods:**
- Ground meat, seafood, or ostrich meat
 - Injected, marinated, or tenderized meats
 - Eggs that will be hot-held for service

Temperature: 155°F

Time: at least 17 seconds

155°F

- Foods:**
- Whole seafoods
 - Beef, pork, veal, lamb (steaks and chops)
 - Roasts (4 minutes)
 - Eggs that will be served immediately

Temperature: 145°F

Time: at least 15 seconds

145°F

- Foods:**
- Commercially processed, ready-to-eat food that will be hot-held
 - Fruits, vegetables, grains, and legumes that will be hot-held

Temperature: 135°F

135°F

Reheating and Holding Food

Keep cold food at 41°F or colder.

Keep hot food at 135°F or hotter.

Only reheat food one time using a microwave, oven, or stove.

Discard food that's been held without temperature control after four hours.