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Conference for Food Protection

2016

Biennial Meeting

Boise, Idaho

Council I

Final Issue

Recommendations with Assembly of Delegates Action

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Council I – 2016 Issue Listing

| Number | Issue Title | As Submitted | As Amended | No Action | Assembly of Delegates |
|--------|--|---|------------|-----------|-----------------------|
| I-001 | Report - Plan Review Committee (PRC) | X | | | Accepted |
| I-002 | PRC 2 – Food Establishment Plan Review Manual | | X | | Accepted |
| I-003 | Outdoor equipment guidelines | | | X | Accepted |
| I-004 | Report - Oyster Advisory Committee | X | | | Accepted |
| I-005 | Report - Ice Maker Equipment Cleaning and Sanitizing Committee (IMC) | X | | | Accepted |
| I-006 | IMC 2 – Request Research on Microbial Contamination in Ice Machines | | | X | Accepted |
| I-007 | IMC 3 – Amend Food Code 4-602.11 (E) (4) Equipment Cleaning Frequency | | X | | Accepted |
| I-008 | IMC 4 – Amend Annex 7, Guide 3B Food Establishment Marking Instructions | | | X | Accepted |
| I-009 | IMC 5 - Working Group Formation to Update NSF/ANSI 12 | X | | | Accepted |
| I-010 | IMC 6 - Clean in Place (CIP) Committee Formation | | X | | Accepted |
| I-011 | Report - Food Recovery Committee (FRC) | X | | | Accepted |
| I-012 | FRC 2 - Comprehensive Resource for Food Recovery Programs | | X | | Accepted |
| I-013 | Report - Unattended Food Establishment Committee (UFE) | X | | | Accepted |
| I-014 | UFE 2 - Guidance Document for Unattended Food Establishments | | X | | Accepted |
| I-015 | UFE 3 - Re-create the Unattended Food Establishment Committee | X | | | Accepted |
| I-016 | Food Establishments With Robotic Operations | <i>Issue transferred to Council III</i> | | | |
| I-017 | Revised Term for Animal Foods | | | X | Accepted |
| I-018 | <i>Defining Food Establishments—Amend Section 1-201.10(B)</i> | | | X | Accepted |
| I-019 | Clean in place (CIP) definition | | | X | Accepted |
| I-020 | Add a definition for In-place cleaning (IPC) | | | X | Accepted |
| I-021 | Change abbreviation for CIP to CSIP (clean and sanitize in place) | | | X | Accepted |
| I-022 | Update the definition of Vending Machines | | X | | Accepted |
| I-023 | Shellfish Retail Record Keeping | X | | | Accepted |
| I-024 | Alignment of the Food Code with the FDA Juice HACCP Retail Definition | | X | | Accepted |
| I-025 | Amend Food Code – Nutrition Labeling of Standard Menu Items in Restaurants | | | X | Accepted |
| I-026 | Frozen Foods Maintained Frozen | | X | | Accepted |
| I-027 | Protecting Unwashed Produce From Cross Contamination | <i>Issue transferred to Council III</i> | | | |
| I-028 | Amend Returned Food and Re-Service of Food | X | | | Accepted |
| I-029 | Labeling for Food Allergen Cross-Contact | | | X | Accepted |
| I-030 | Documenting Food Allergy Labeling Violations | | | X | Accepted |
| I-031 | Harmonizing a Food Code Labeling Requirement w/ a CFR Labeling Requirement | | | X | Accepted |
| I-032 | Proposed Revision to Food Code Section 3-401.14, Non-Continuous cooking | | | X | Accepted |
| I-033 | Thawing 3-501.13 | X | | | Accepted |
| I-034 | Interpretation of Food Code Section 3-501.17 (A) & (B) | | X | | Accepted |
| I-035 | Missing reference in 2013 FDA Food Code Section 3-501.19(A)(1)(a) | X | | | Accepted |
| I-036 | Clarifying Date Marking Disposition | | X | | Accepted |

Council I – 2016 Issue Listing

| Number | Issue Title | As Submitted | As Amended | No Action | Assembly of Delegates |
|--------|---|--------------|------------|-----------|-----------------------|
| I-037 | Amend Food Code - Additional Requirements for Consumer Advisories | | | X | Accepted |
| I-038 | Raw Animal Foods – Consumer Advisory | | X | | Accepted |
| I-039 | Addition of new Food Code section: Grinding Logs | | X | | Accepted |
| I-040 | FOOD guard criteria comprise a CORE item, not a PRIORITY ITEM. | | | X | Accepted |
| I-041 | Food equipment cleanability and design | | | X | Accepted |
| I-042 | Towel Drying Exception For Equipment Removed From High-Temp Dish Machines | | X | | Accepted |
| I-043 | Harmonizing Direct Drain Connection Allowances with Plumbing Codes | | | X | Accepted |
| I-044 | Hot Water Provided at Service Sink | | | X | Accepted |
| I-045 | Consolidating Chemical Storage Provisions in the Food Code | | X | | Accepted |
| I-046 | Removing the Reference to Restricted Use Pesticides in 7-202.12(B)(2) | | | X | Accepted |
| I-047 | Temporary Food Establishment Inspection Intervals | | X | | Accepted |
| I-048 | Inclusion of Inspection Result Posting in Food Code | | | X | Accepted |
| II-025 | Mandatory Food Protection Manager Certification for Persons in Charge | X | | | Accepted |
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| | | | | | |
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**Conference for Food Protection
2016 Issue Form**

Issue: 2016 II-025

| | | | | |
|-------------------------|-------------|-------------------|-------------|---|
| Council | Accepted as | | Accepted as | |
| Recommendation: | Submitted | <u> X </u> | 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:

Mandatory Food Protection Manager Certification for Persons in Charge

Recommended Solution: The Conference recommends....:

that a letter be sent to the FDA requesting that the 2013 FDA Food Code be modified as follows:

1. Requiring that the Person in Charge be a certified food protection manager who has passed a test that is part of an accredited program, as defined by the FDA Food Code.
2. Provide an exception to requiring the Person in Charge to be a certified food protection manager if the regulatory authority deems the establishment to pose minimal risk of causing or contributing to foodborne illness either at certain times of operation or based on the nature of food preparation.

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**Conference for Food Protection
2016 Issue Form**

Issue: 2016 I-001

| | | | | |
|-------------------------|-------------|-------------------|-------------|---|
| Council | Accepted as | | Accepted as | |
| Recommendation: | Submitted | <u> x </u> | 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 - Plan Review Committee (PRC)

Recommended Solution: The Conference recommends...:

acknowledgement of the 2014 - 2016 Plan Review Committee final report and thanking its members for completing their charge.

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
2016 Issue Form**

Issue: 2016 I-002

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

All information above the line is for conference use only.

Title:

PRC 2 – Food Establishment Plan Review Manual

Recommended Solution: The Conference recommends....:

- 1) Approval of the Food Establishment Plan Review Manual (including the cover sheet) and Appendix A through D (2016), to include the attached amended Appendix C (other documents are attached to Issue titled: Report - Plan Review Committee Final Report)

- 2) Replacing the Plan Review Guide (2008) currently on the CFP website with the final compiled Food Establishment Plan Review Manual in PDF and editable_format.

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or a commercial proprietary process.*

**Conference for Food Protection
2016 Issue Form**

Issue: 2016 I-003

| | | | | |
|--------------------------------|-----------------------------|---------------------------|-----------|-----------------|
| 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:

Outdoor equipment guidelines

Recommended Solution: The Conference recommends....:

no action. This Issue is adequately addressed in the food code and also guidance documents published on the CFP webpage.

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
2016 Issue Form**

Issue: 2016 I-004

| | | | | |
|-------------------------|-------------|-------------------|-------------|---|
| Council | Accepted as | | Accepted as | |
| Recommendation: | Submitted | <u> X </u> | 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 - Oyster Advisory Committee

Recommended Solution: The Conference recommends....:

1. Acknowledgement of the 2014 - 2016 Oyster Advisory Committee Final Report and thanking the committee members for their work.
2. No further action based on:
 - the Interstate Shellfish Sanitation Conference (ISSC) letter dated July 7, 2014 that states the ISSC does not agree that the recommended solution of Issue 2014-I-025 would improve effectiveness or reduce illnesses; and
 - the CFP Oyster Advisory Committee determination that the existing language in Section 3-602.11 of the 2013 FDA Food Code is adequate to address consumer advisory for raw molluscan shellfish.
3. The Oyster Advisory Committee be disbanded as they have completed their charges.

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**Conference for Food Protection
2016 Issue Form**

Issue: 2016 I-005

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|-------------------------|-------------|-------------------|-------------|---|
| Council | Accepted as | | Accepted as | |
| Recommendation: | Submitted | <u> X </u> | 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 - Ice Maker Equipment Cleaning and Sanitizing Committee (IMC)

Recommended Solution: The Conference recommends...:

1. Acknowledgement of the 2014 - 2016 Ice Maker Equipment Cleaning and Sanitizing Committee Final Report,
2. Thanking the Committee members for their work and completing their charges, and
3. Disbanding the 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
2016 Issue Form**

Issue: 2016 I-006

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

All information above the line is for conference use only.

Title:

IMC 2 – Request Research on Microbial Contamination in Ice Machines

Recommended Solution: The Conference recommends....:

no action since the request is outside the scope of the Conference for Food Protection.

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
2016 Issue Form**

Issue: 2016 I-007

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

All information above the line is for conference use only.

Title:

IMC 3 – Amend Food Code 4-602.11 (E) (4) Equipment Cleaning Frequency

Recommended Solution: The Conference recommends....:

that a letter be sent to the FDA recommending that the 2013 Food Code be amended as follows (language to be added is underlined):

Subparagraph on Equipment Food Contact Surfaces and Equipment-Frequency, 4-602.11 (E)(4).

EQUIPMENT such as ice bins and BEVERAGE dispensing nozzles and enclosed components of EQUIPMENT such as ice makers, cooking oil storage tanks and distribution lines, BEVERAGE and syrup dispensing lines or tubes, coffee bean grinders, and water vending EQUIPMENT:

- (a) At a frequency specified by the manufacturer, or more frequently, to preclude accumulation of soil or mold, or
- (b) Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold

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**Conference for Food Protection
2016 Issue Form**

Issue: 2016 I-008

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

All information above the line is for conference use only.

Title:

IMC 4 – Amend Annex 7, Guide 3B Food Establishment Marking Instructions

Recommended Solution: The Conference recommends...:

no action. This Issue is already adequately addressed Annex 7 Guide 3B Marking Instructions, numbers 16 and 47.

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
2016 Issue Form**

Issue: 2016 I-009

| | | | | |
|-------------------------|-------------|-------------------|-------------|---|
| Council | Accepted as | | Accepted as | |
| Recommendation: | Submitted | <u> X </u> | 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:

IMC 5 - Working Group Formation to Update NSF/ANSI 12

Recommended Solution: The Conference recommends....:

that a letter be sent to NSF International recommending the creation of a working group to review and update the existing American National Standards Institute (ANSI) / National Sanitation Foundation (NSF) 12 Automatic Ice Making Equipment Standard for cleaning and sanitizing certification with participation from academia and organizations such as the Association of Official Analytical Communities (AOAC) and the American Society of Testing and Materials (ASTM) with peer review process elements to ensure:

- Food contact surfaces of ice making equipment are readily accessible for inspection and effective cleaning and sanitization.
- That the performance certification test methods used for cleanability and sanitization of new equipment's food contact surfaces has correlation to cleanability and sanitization of those same surfaces when in continuous use in the work place.

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
2016 Issue Form**

Issue: 2016 I-010

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

All information above the line is for conference use only.

Title:

IMC 6 - Clean in Place (CIP) Committee Formation

Recommended Solution: The Conference recommends...:

a Clean in Place Committee be formed to expand on the work begun by the 2014 - 2016 Ice Maker Equipment Cleaning and Sanitizing Committee, but with a broader focus to include all food equipment known to have designs that depend upon clean in place processes for safety yet do not allow for easy inspection, cleaning and sanitizing access of its food contact surfaces. The charges are:

1. Review applicable ANSI sanitation standards for clean in place processes with inaccessible food contact surfaces and ascertain their compatibility with Food Code definitions and recommendations;
- 2 . Review current literature on scientific research of clean in place systems to ascertain relative food safety risk associated with improperly cleaned and/ or sanitized systems;
- 3 . A Survey to determine the current prevalence and processes used to evaluate CIP Equipment during inspections; and
- 4 . Report back to the 2018 CFP Biennial Meeting with recommendations.

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
2016 Issue Form**

Issue: 2016 I-011

| | | | | |
|-------------------------|-------------|-------------------|-------------|---|
| Council | Accepted as | | Accepted as | |
| Recommendation: | Submitted | <u> X </u> | 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 - Food Recovery Committee (FRC)

Recommended Solution: The Conference recommends...:

1. Acknowledgement of the 2014 - 2016 Food Recovery Committee final report;
2. Thank the committee members for their work and efforts on the committee; and
3. Disband the 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
2016 Issue Form**

Issue: 2016 I-012

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

All information above the line is for conference use only.

Title:

FRC 2 - Comprehensive Resource for Food Recovery Programs

Recommended Solution: The Conference recommends....:

1. Approval of the Food Recovery Committee document titled *Comprehensive Resource for Food Recovery Programs*, including appendices (attached to Issue titled: Report-Food Recovery Committee); and
2. The Committee work with FDA to approve language and grammatical errors for a final document to be posted in PDF format on the CFP website, replacing the previous document *Comprehensive Guidance for Food Recovery Programs* (2007).

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
2016 Issue Form**

Issue: 2016 I-013

| | | | | |
|-------------------------|-------------|-------------------|-------------|---|
| Council | Accepted as | | Accepted as | |
| Recommendation: | Submitted | <u> X </u> | 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 - Unattended Food Establishment Committee (UFE)

Recommended Solution: The Conference recommends....:

1. Acknowledgement of the 2014 - 2016 Unattended Food Establishment Committee final report, and
2. Thank the committee members for their work and efforts on the 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
2016 Issue Form**

Issue: 2016 I-014

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

All information above the line is for conference use only.

Title:

UFE 2 - Guidance Document for Unattended Food Establishments

Recommended Solution: The Conference recommends....:

1. Approval of the Unattended Food Establishment Committee document titled *Guidance Document for Unattended Food Establishments* (attached to the Issue titled: Report - Unattended Food Establishment Committee); and
2. Posting the approved document in PDF and editable format on the Conference for Food Protection website.

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
2016 Issue Form**

Issue: 2016 I-015

| | | | | | | |
|--------------------------------|-----------------------|-------------------|---------------------|-------------------|-----------|-------------------|
| 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:

UFE 3 - Re-create the Unattended Food Establishment Committee

Recommended Solution: The Conference recommends....:

re-creating the Unattended Food Establishment Committee to complete the following charges:

1. Develop recommendations on how the FDA Food Code addresses Unattended Food Establishments;
2. Continue to review the "Guidance Document for Unattended Food Establishments" and any existing guidance from FDA and others to update the CFP guidance document that could assist states when addressing the need to have alternative protective provisions in place when approving a waiver or variance for entities that do not meet section 2-101.11 and 2-103.11 of the 2013 Food Code; and
3. Present their findings at the 2018 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.

**Conference for Food Protection
2016 Issue Form**

Issue: 2016 I-017

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

All information above the line is for conference use only.

Title:

Revised Term for Animal Foods

Recommended Solution: The Conference recommends....:

no action. This Issue is adequately addressed in the 2013 Food Code under the definition for "food" in 1-201.10.

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
2016 Issue Form**

Issue: 2016 I-018

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

All information above the line is for conference use only.

Title:

Defining Food Establishments—Amend Section 1-201.10(B)

Recommended Solution: The Conference recommends...:

no action because they are low risk establishments, thus representing a minimum hazard.

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
2016 Issue Form**

Issue: 2016 I-019

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

All information above the line is for conference use only.

Title:

Clean in place (CIP) definition

Recommended Solution: The Conference recommends....:

no action since this Issue is already adequately addressed in the 2013 Food Code section 1-201.10.

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
2016 Issue Form**

Issue: 2016 I-020

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

All information above the line is for conference use only.

Title:

Add a definition for In-place cleaning (IPC)

Recommended Solution: The Conference recommends....:

no action. This Issue is adequately addressed within the definition of CIP in the 2013 Food Code section 1-201.10.

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
2016 Issue Form**

Issue: 2016 I-021

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

All information above the line is for conference use only.

Title:

Change abbreviation for CIP to CSIP (clean and sanitize in place)

Recommended Solution: The Conference recommends....:

no action. This Issue is adequately addressed within the definition of CIP in the 2013 Food Code section 1-201.10.

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
2016 Issue Form**

Issue: 2016 I-022

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

All information above the line is for conference use only.

Title:

Update the definition of Vending Machines

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows
(language to be added is underlined):

Section 1-201.10

"Vending machine" means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or upon completion of an electronic transaction or by optional manual operation, dispenses unit servings of FOOD in bulk or in packages without the necessity of replenishing the device between each vending operation.

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or a commercial proprietary process.*

**Conference for Food Protection
2016 Issue Form**

Issue: 2016 I-023

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

All information above the line is for conference use only.

Title:

Shellfish Retail Record Keeping

Recommended Solution: The Conference recommends....:

that a letter be sent to FDA recommending:

1) Modification of Section 3-203.12(A) of the 2013 FDA Food Code as indicated below from a Priority Foundation to a Priority Violation (language to be added is underlined; language to be deleted is in strikethrough format).

3-203.12 Shellstock, Maintaining Identification.

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

2) The FDA begin discussions with the ISSC and Conference for Food Protection to identify steps that can be taken to enhance implementation and enforcement of shellfish record keeping at retail establishments.

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
2016 Issue Form**

Issue: 2016 I-024

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

All information above the line is for conference use only.

Title:

Alignment of the Food Code with the FDA Juice HACCP Retail Definition

Recommended Solution: The Conference recommends....:

that a letter be sent to FDA requesting:

- 1) Clarification of the retail exemption in 21 CFR 120.3.
- 2) Definition of distribution and sales to other business entities in the context of Juice HACCP and the retail exemption.
- 3) Determination if changes are needed to the Juice HACCP FAQ guidance documents, the Food Code and/or 21 CFR 120.3 Juice HACCP.

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
2016 Issue Form**

Issue: 2016 I-025

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|--------------------------------|-----------------------------|---------------------------|---------------------------|
| 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:

Amend Food Code – Nutrition Labeling of Standard Menu Items in Restaurants

Recommended Solution: The Conference recommends...:

no action because it is premature to enforce this issue until guidance documents have been provided from the FDA regarding menu labeling.

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
2016 Issue Form**

Issue: 2016 I-026

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

All information above the line is for conference use only.

Title:

Frozen Foods Maintained Frozen

Recommended Solution: The Conference recommends...:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows
(language to be added is underlined; language to be deleted is in strikethrough format):

Section 3-202.11

(E) TIME/TEMPERATURE CONTROL FOR SAFETY-A-FOOD that is labeled frozen and shipped frozen by a FOOD PROCESSING PLANT shall be received frozen. Pf

and

Section 3-501.11

Stored frozen TIME/TEMPERATURE CONTROL FOR SAFETY FOODS shall be maintained frozen.

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
2016 Issue Form**

Issue: 2016 I-028

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|-------------------------|-------------|-------------------|-------------|---|
| Council | Accepted as | | Accepted as | |
| Recommendation: | Submitted | <u> X </u> | 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:

Amend Returned Food and Re-Service of Food

Recommended Solution: The Conference recommends....:

that a letter be sent to FDA requesting an interpretation that clarifies/explains Section 3-306.14(A) of the 2013 Food Code and allows for return of food that is immediately served to a specific consumer back to the same consumer after further cooking. The letter shall also request that FDA post their final interpretation document to the FDA Food Code Reference System.

*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
2016 Issue Form**

Issue: 2016 I-029

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

All information above the line is for conference use only.

Title:

Labeling for Food Allergen Cross-Contact

Recommended Solution: The Conference recommends....:

no action because this Issue is addressed in Food Code section 3-602.11(B)(5). The advisory-like statements, such as the recommended solution, are not suitable to focus on the root cause.

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
2016 Issue Form**

Issue: 2016 I-030

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

All information above the line is for conference use only.

Title:

Documenting Food Allergy Labeling Violations

Recommended Solution: The Conference recommends...:

no action.

Food Code Section 8-403.10(B)(3) already covers this by stating that nonconformance with priority or priority foundation items shall be documented, and 3-602.11(B)(5) is a priority foundation item.

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
2016 Issue Form**

Issue: 2016 I-031

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

All information above the line is for conference use only.

Title:

Harmonizing a Food Code Labeling Requirement w/ a CFR Labeling Requirement

Recommended Solution: The Conference recommends....:

no action because retail food establishments are manufacturing more food items that are removed from the establishment. Therefore the need to have the location information is necessary for recalls and tracebacks.

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
2016 Issue Form**

Issue: 2016 I-032

| | | | | |
|--------------------------------|-----------------------------|---------------------------|-----------|-----------------|
| 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:

Proposed Revision to Food Code Section 3-401.14, Non-Continuous cooking

Recommended Solution: The Conference recommends....:

no action because the submitter withdrew the issue.

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
2016 Issue Form**

Issue: 2016 I-033

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|--------------------------------|-----------------------|-----------------|---------------------|-----------------|-----------|-----------------|
| 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:

Thawing 3-501.13

Recommended Solution: The Conference recommends....:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined):

3-501.13 Thawing.

Except as specified in ¶ (D) of this section, potentially hazardous food (time/temperature control for safety food) shall be thawed:

- (A) Under refrigeration that maintains the food temperature at 5°C (41°F) or less^{Pf}; or
- (B) Completely submerged under running water:
 - (1) At a water temperature of 21°C (70°F) or below^{Pf},
 - (2) With sufficient water velocity to agitate and float off loose particles in an overflow^{Pf}, and
 - (3) For a period of time that does not allow thawed portions of ready-to-eat food to rise above 5°C (41°F)^{Pf}, or
 - (4) For a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified under ¶ 3-401.11(A) or (B) to be above 5°C (41°F), for more than 4 hours including:
 - (a) The time the food is exposed to the running water and the time needed for preparation for cooking^{Pf}, or
 - (b) The time it takes under refrigeration to lower the food temperature to 5°C (41°F)^{Pf};

(C) As part of a cooking process if the food that is frozen is: (1) Cooked as specified under ¶ 3-401.11(A) or (B) or § 3-401.12^{Pf}, or

(2) Thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process^{Pf}; or

(D) *Using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.*

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
2016 Issue Form**

Issue: 2016 I-034

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

All information above the line is for conference use only.

Title:

Interpretation of Food Code Section 3-501.17 (A) & (B)

Recommended Solution: The Conference recommends....:

that a letter be sent to the FDA requesting an interpretation that clarifies/explains the terms "date or day" in Section 3-501.17 (A) & (B) of the 2013 Food Code with respect to the protocols for Date Marking. The Conference further requests that that the final interpretation document be posted to the FDA Food Code Reference System.

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
2016 Issue Form**

Issue: 2016 I-035

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

All information above the line is for conference use only.

Title:

Missing reference in 2013 FDA Food Code Section 3-501.19(A)(1)(a)

Recommended Solution: The Conference recommends....:

that a letter be sent to the FDA requesting the 2013 Food Code be amended as follows (language to be added is underlined; language to be deleted is in strikethrough format):

3-501.19 Time as a Public Health Control.

(A) Except as specified under ¶ (D) of this section, if time without temperature control is used as the public health control for a working supply of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD before cooking, or for READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is displayed or held for sale or service:

(1) Written procedures shall be prepared in advance, maintained in the FOOD ESTABLISHMENT and made available to the REGULATORY AUTHORITY upon request that specify: ^{Pf}

(a) Methods of compliance with Subparagraphs (B)(1)-(~~34~~) or (C)(1)-(5) of this section; ^{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
2016 Issue Form**

Issue: 2016 I-036

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

All information above the line is for conference use only.

Title:

Clarifying Date Marking Disposition

Recommended Solution: The Conference recommends....:

a letter be sent to the FDA requesting the 2013 Food Code be amended as follows
(language to be deleted is in strikethrough format):

3-501.18 Ready-to-Eat, Time/Temperature Control for Safety Food, Disposition.

(A) A FOOD specified in ¶ 3-501.17(A) or (B) shall be discarded if it:

(3) Is ~~appropriately~~ inappropriately marked with a date or day that exceeds a temperature and time combination as specified in ¶ 3-501.17(A).^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
2016 Issue Form**

Issue: 2016 I-037

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

All information above the line is for conference use only.

Title:

Amend Food Code - Additional Requirements for Consumer Advisories

Recommended Solution: The Conference recommends....:

no action for the following reasons:

- addressed in FDA Food Code section 3-401.11 Raw Animal Foods
- addressed in FDA Food Code section 2-103.11(I) Person in Charge
- addressed in FDA Food Code section 2-102.11(C)(5) Demonstration

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
2016 Issue Form**

Issue: 2016 I-038

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

All information above the line is for conference use only.

Title:

Raw Animal Foods – Consumer Advisory

Recommended Solution: The Conference recommends....:

a letter be sent to FDA, USDA, and the CDC requesting focus groups be conducted to reevaluate consumer advisory language and methodology to determine what is meaningful to the consumer. Report back the findings to the CFP at the next 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
2016 Issue Form**

Issue: 2016 I-039

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

All information above the line is for conference use only.

Title:

Addition of new Food Code section: Grinding Logs

Recommended Solution: The Conference recommends...:

a letter be sent to USDA FSIS requesting:

1. Training be developed and provided to state and local retail regulators on the grinding log rule and public health reasons, preferably available online.
2. Provide the Conference for Food Protection with a detailed strategy of its plan for enforcing the regulation including answers:
 - a. Discussion of the role of state and local regulators in enforcing grinding log rule.
 - b. Approach for state and local regulators to report potential violations of the grinding log rule to USDA FSIS including either a national reporting line or list to whom each state should refer complaints.
 - c. Discussion of how funding will be provided to state and local regulators in enforcing grinding logs.
 - d. Strategy for outreach and training to state and local regulators in enforcing grinding logs.

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
2016 Issue Form**

Issue: 2016 I-040

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

All information above the line is for conference use only.

Title:

FOOD guard criteria comprise a CORE item, not a PRIORITY ITEM.

Recommended Solution: The Conference recommends...:

no action due to insufficient data to take this action.

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
2016 Issue Form**

Issue: 2016 I-041

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

All information above the line is for conference use only.

Title:

Food equipment cleanability and design

Recommended Solution: The Conference recommends...:

no action on the basis that investigation on this issue will be addressed in the charges of the newly formed Clean In Place 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
2016 Issue Form**

Issue: 2016 I-042

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

All information above the line is for conference use only.

Title:

Towel Drying Exception For Equipment Removed From High-Temp Dish Machines

Recommended Solution: The Conference recommends....:

a letter be sent to the FDA requesting they provide clarification in the Annex and the 2013 Food Code sections 4-901.11 and 4-903.11 to allow towel drying for high temperature dish machines.

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
2016 Issue Form**

Issue: 2016 I-043

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

All information above the line is for conference use only.

Title:

Harmonizing Direct Drain Connection Allowances with Plumbing Codes

Recommended Solution: The Conference recommends....:

no action because the Issue is already addressed in 2013 Food Code section 5-402.11 (D).

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
2016 Issue Form**

Issue: 2016 I-044

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|--------------------------------|-----------------------------|---------------------------|-----------|-----------------|
| 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:

Hot Water Provided at Service Sink

Recommended Solution: The Conference recommends....:

no action because the Issue is adequately addressed in the 2013 Food Code section 5-501.18

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
2016 Issue Form**

Issue: 2016 I-045

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

All information above the line is for conference use only.

Title:

Consolidating Chemical Storage Provisions in the Food Code

Recommended Solution: The Conference recommends....:

a letter be sent to the FDA to consider reviewing and consolidating Sections 7-201.11 and 7-301.11 of the 2013 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
2016 Issue Form**

Issue: 2016 I-046

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

no action because it is already addressed in the 2013 Food Code section 7-202.12.

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
2016 Issue Form**

Issue: 2016 I-047

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

All information above the line is for conference use only.

Title:

Temporary Food Establishment Inspection Intervals

Recommended Solution: The Conference recommends....:

a letter be sent to the FDA requesting an interpretation if an inspection is needed prior to issuing a permit as stated in Food Code section 8-203.10, and during operation of temporary food establishments as stated in section 8-401.10.

The Conference also recommends that the FDA post their interpretation on the Food Code reference system.

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
2016 Issue Form**

Issue: 2016 I-048

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|-------------------------|-----------------|----------------|---------------------------|
| Council | Accepted as | Accepted as | |
| Recommendation: | Submitted _____ | 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 Food Code

Recommended Solution: The Conference recommends....:

no action because the Issue is adequately addressed in the 2013 Food Code sections 8-403.50 and 8-304.11(K) Responsibilities of the Permit Holder, that allows flexibility to ensure full information on findings are provided to the consumer.

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
2016 Issue Form**

Issue: 2016 II-025

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|-------------------------|-------------|-------------------|-------------|---|
| Council | Accepted as | | Accepted as | |
| Recommendation: | Submitted | <u> X </u> | 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:

Mandatory Food Protection Manager Certification for Persons in Charge

Recommended Solution: The Conference recommends....:

that a letter be sent to the FDA requesting that the 2013 FDA Food Code be modified as follows:

1. Requiring that the Person in Charge be a certified food protection manager who has passed a test that is part of an accredited program, as defined by the FDA Food Code.
2. Provide an exception to requiring the Person in Charge to be a certified food protection manager if the regulatory authority deems the establishment to pose minimal risk of causing or contributing to foodborne illness either at certain times of operation or based on the nature of food preparation.

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.