

## CFP Executive Board Meeting – April 8-9, 2005

Columbus, Ohio  
8:00 am – 5:00 pm

### FDA Report

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#### Food Code 2005 Status

- Release of the 2005 Food Code

Plans are to have a tiered release of the web version first followed by the hard copy version. Tentative release date on the web is June 2005. Hardcopy release is expected 8 weeks after getting the Code to the printer, meaning it should be out in the summer of 2005.

- Summary Highlight of Major Changes

1. Definitions – Deleted the numbering system and will list alphabetically
2. Employee Health, Part 2-2

Ch. 2 revised as per at the CFP meeting with the addition of Employee Health to the duties of the PIC and Demonstration of Knowledge sections. Retained the same principles as in what was presented to the CFP, but elaborated on the principles, in order to develop a risk-based system approach. Some specific changes are:

- Added responsibility of PIC to ensure that food employees or applicants that report a listed symptom or disease diagnosis, are excluded or restricted as specified in the Food Code.
- Also added duty of PIC to inform all food employees and applicants of their responsibility to report illness symptoms and disease diagnosis.
- Added Enterohemorrhagic to Shiga-toxin producing *E.coli*, to clarify and accommodate for those Shiga-toxin producing *E.coli* that do not cause diarrhea in humans.
- Deleted Reporting requirement for previous diagnosis with Hepatitis A virus, EHEC *E.coli*, and *Shigella* spp.,
- Removed Exclusion or Restriction of food employees previously diagnosed with S. Typhi, if they had completed antibiotic therapy, or for employees with Sore throat with fever, if they had been on antibiotic therapy for at least 24 hours.
- Deleted Reporting requirement for Employees symptomatic with "Fever" only.

- Added the time frame that diagnosed employees must meet for exclusion and restriction with a diagnosis or symptom, and can allow returning to work without medical clearance if this time frame is met.
- Added requirement to restrict food employees and applicants that have been exposed to a listed foodborne pathogen working in a highly susceptible population during the time period that they are most likely to become symptomatic.
- **§ 2-201.11** Divided provision into two parts - This provision on reporting responsibilities encompasses two requirements and was accordingly divided into two parts, i.e., one under which the Permit Holder would be debited, and the other under which the individual Food Employee/Applicant would be liable under the code.
- New definitions were added to the Food Code for Conditional Employee, Asymptomatic, Health Practitioner, and Enterohemorrhagic, and amended the definition of Exclude for the Employee Health Section. Definition of Exclude had to be amended to accommodate for extreme infectivity of Norovirus, and the potential for airborne Norovirus transmission.

### 3. Change in the Definition of PHF

Amended to introduce new term temperature controlled for safety (TCS), and include information and tables from the IFT report. (CFP Issue 2004-I-12)

### 4. ROP changes

**§ 3-502.12** – Included cook chill packaging and sous vide packaging in the definition of “reduced oxygen packaging.” Specifically addressed the hazard of *Listeria monocytogenes*. Provided for a 30 day shelf life for cook chill packaging, sous vide packaging and vacuum packaging of cheeses provided new provisions were followed.

This extended shelf life was requested in the issues submitted, but was not part of the recommendations (2004-III-021, 022, 023 and 2004-III-031) although that is a processing industry standard shelf life and the safety of this time period is well documented in the literature.

### 5. Date Marking

**§ 3-501.17** - Amended datemarking to include cheese exemptions and other exemptions based on the Lm RA. (CFP Issues 2004-III-06; 2004-III-14; 2004-III-17)

- CFP Recommendations responded to in the 2005 Food Code

From 2002 Conference

**Issue Number      Issue Title**

2002-III-039	<b>Clarified and expanded the definition to address cook/chill and sous vide. Did not accept the recommended changes to the definition of “reduced oxygen packaging” made in issue 2002-III-039 because it excluded cook chill packaging from ROP and traditional cooling to 41°F is not sufficient to inhibit <i>Clostridium botulinum</i> spore germination and toxin formation and <i>Listeria monocytogenes</i> from cross-contamination.</b>
2002-I-001	<b>Added new provision re re-service of food in highly susceptible populations</b>

From 2004 Conference

**Summary:**

**43 Issue recommendations sent to FDA**

- 25 responded to in the 2005 Food Code

I-006	II-013	III-017
I-009	II-018	III-023
I-010	II-019	III-029
I-012	II-021	III-030
I-014	II-027	III-031
I-017	III-002	
I-018	III-007	
I-019	III-009	
I-026	III-012	
II-009	III-014	

- 14 under CFP Committee or Agency Work Group for resolution

I-003	II-017	II-028
I-011	II-023	III-004
II-011	II-024	III-015
II-012	II-025	III-020
II-016	II-026	

- **3 to (4) Issue recommendations** NOT addressed in the 2005 Food Code:
  - I-013
  - I-030
  - III-033
  - III-032 -- ???
- **2004-I-13, Person in Charge present during food production. § 2-101.11.** FDA conceptually agrees with the recommendation to send through FDA administrative process or back to Conference in 2006.

**Why not in the 2005 Food Code:**

Do not support replacing “person in charge is present during all hours of operation” with “present during high risk operation of potentially hazardous foods”. Support the concept outlined in option 2 but this is just one approach and probably does not need to be addressed in the 2-101.11 of the Food Code. Open to discussion as to whether clarification is needed in the Code.

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- **2004-I-030, Unsanitary Handling of Drinking Water Coolers**  
**Recommended Solution:** The CFP recommends that the FDA work with all stakeholders to develop and distribute guidelines for the handling of drinking water coolers.

**Why not in the 2005 Food Code:** FDA supports the sharing of guidelines with parties that provide drinking water to consumers. Using water and ice from approved source and properly cleaning and maintaining equipment are important in preventing waterborne/foodborne illness. We would appreciate the Board's input to identify specific stakeholders and a mechanism to address this issue.

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- **2004-III-33, Chemical Sanitization Using Quaternary Ammonium Compound Solutions**

**Recommended Solution:** The conference recommends the conference chair sends a letter to the FDA Commissioner to urge they evaluate and assess § 4-501.114 of the Food Code for time and temperature applications of chemical sanitizers.

**FDA Response in 2004 letter:** FDA conceptually agrees with the recommendation.

**What's needed to update the Code:** Assess time/temperature application of sanitizers.

**Why Not in the 2005 Food Code:** No changes are warranted at this time. FDA has not been presented with any information in support of modifying the criteria as it currently appears. Revamping that whole section, including considering adding information about other types of sanitizers making their way onto the market is something that we may want to consider for a future edition. That will require a fair amount of research and working with industry groups - something our current resources don't lend themselves to very well.

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***From the 2002 CFP Meeting***

***2002-I -033, Add two additional cooking charts to the Food Code providing acceptable temperatures at instantaneous time.***

**Brief Synopsis of Issue:** Amend ¶ 3-401.11(A) of the Food Code providing acceptable temperatures at instantaneous times for those raw animal foods identified as needing a 145°F cook for 15 seconds and a similar parameter to provide an instantaneous cooking temperature for those raw animal foods identified as needing a 165°F cook for 15 seconds.

**FDA Response in our 2002 letter:**

2002-I-33\*\* Add two additional cooking charts to the Food Code providing acceptable Temperatures at instantaneous time

In conjunction with USDA, we will explore adding instantaneous cooking temperatures for raw animal foods identified in ¶3-401.11(A) with respect to 145°F for 15 seconds and 165°F for 15 seconds.

**FDA Response in our 2004 letter:**

No comment on this issue in the 2004 response letter. At the August 2004 Board meeting, FDA indicated that we would work in conjunction with USDA to bring this Issue to resolution and include information in the 2005 Food Code.

After further review and study, this was not included in the 2005 Food Code because research is needed to determine exact temperature requirements, particularly for foods that fall in the 145F category (fish, intact beef). The Goodfellow and Brown paper that was used for the current Food Code values were based on the destruction of Salmonella. Given the prevalence of Listeria in fish, specific research is needed to determine appropriate instantaneous cook temperatures based on this organism.

## OTHER AGENCY UPDATES

### **Update on HACCP in Schools**

Congress added a provision to the Richard B. Russell National School Lunch Act on June 30, 2004 mandating schools participating in the National School Lunch or Breakfast programs obtain two health inspections a year and implement a food safety program based on HACCP principles, effective July 1, 2005. The inspections must be conducted by a state or local government agency responsible for food safety inspections. In addition, schools must post, in a publicly visible location, a report on the most recent food safety inspection, and they must provide a copy of the food safety inspection report to any member of the public upon request. The specific food safety section that is of interest to states/locals is Section 111.

The law is actually directed to USDA to act upon its requirements and we (FDA) are collaborating with USDA's Food and Nutrition Service in the use of FDA's retail process HACCP approach as a basis for developing USDA-FNS guidelines to schools. Further, the law is not specific on how the states and locals are to meet the two mandated inspections per year. Also note that the HACCP requirement is totally separate from the requirement for 2x/year inspections. Ideally, when the regulatory inspector comes to inspect, he or she will be looking at the HACCP Plan, but the two are not tied together.

To address questions and concerns about this provision, NEHA will host USDA and FDA's informal panel discussion at its 2005 AEC & Exhibition in Providence, RI on Monday June 27. The discussion will include the food safety requirements, their implementation, and how food safety regulators can facilitate school compliance with the provision and ensure safe meals for school children nationwide.

### **Update on the Database of Foodborne Illness Risk Factors Project**

- **2004-III-03 - Completion of CFP Retail HACCP Committee's charge to provide feedback to the FDA on the first *Retail Food Program Database of Foodborne Illness Risk Factors* report issued in 2000 that would help eliminate any confusion on terminology when the second report by the FDA is issued in 2004.**

FDA appreciates the work of the Retail HACCP Committee and has considered the comments provided by it in the writing of the *"FDA Report on the Occurrence of Foodborne Illness Risk Factors within Selected Institutional Food Services, Restaurants, and Retail Food Store Facility Types (2004)"* that is currently under development.

○ **Focus for 2004 –2005:**

1. Data collection completed in 2003. The results presented in a satellite broadcast on October 13, 2004.
2. The 2004 Report is a stand-alone document and not for comparison of the 1998 and 2003 data. At least 3 data points are needed before we can begin to assess trends.
3. Presentation made at the 2004 NEHA, IAFP, and CASA meetings.

**FDA Criticality Work Group Update**

The work group met in CFSAN on March 23, 2005 for an orientation and planning session. Regional Food Specialists reps from all 5 FDA regions were participants with CFSAN. The following was discussed in a 2-day format:

- History of the Issue of Criticality
- Impact & Interaction of the Food Code, Expected Outcomes
- **Jack Guzewich** - Background, Explanation of Contributing Factors to FBI's, CDC Collection of Data, Transition between two collection forms, Sources of Data
- **Art Miller, Associate Director, Joint Institute for Food Safety and Applied Nutrition, Risk Analysis as a Tool** - What is risk assessment, how could it be used in terms of the Food Code provisions and how can a risk manager (regulator) use the results?
- **Patrick McCarthy, Epidemiologist, Office of Scientific Analysis and Support, Overview of Outbreak Data from Food Net States** - What is Food Net, 500 variables, parallel projects – 2 Attribution projects and EHS Net, Food Net database can be a resource to Criticality Work Group
- **Shirley Bohm, Consumer Safety Officer, Retail Food Protection Team** -The Plan and Available Resources Charges from CFP, the Process, Timeline, Definition of “Critical Items”, Available Resources
- Complete Discussion on “Critical Items” Definition and Ranking Criteria
- Review of the Process
- Practical Examples Using the Process
- Assigning Contributing Factors (C 1-15, P 1-12, S 1-5) to Food Code provisions (for correlation with Food Net data)

Other Questions considered:

How/when to engage CFP Critical Items Committee?

Identify/define other terms-RF, Intervention, GRP, etc.

Consider changes to other documents?

Work as group, small groups, individuals?