

FDA Report to CFP Executive Board Meeting
April 18-19, 2007
San Antonio, Texas

The following is a summary of FDA's report to the Spring 2007 meeting of the Executive Board of the Conference for Food Protection (CFP) and a description of recent FDA activities of interest to the CFP.

Changes at FDA's Center for Food Safety and Applied Nutrition (CFSAN)

Reorganization at CFSAN stood up on February 18, 2007. Newly created Offices that CFP will most often interact include the Office of Food Safety (OFS, Director : Dr. Nega Beru) and the Office of Food Defense, Communication and Emergency Response (OFCDER, Director: Dr. David Acheson). The Retail Food Protection Team (RFPT) is now located within the Office of Food Safety/Retail Food and Cooperative Programs Coordination Staff. Kevin Smith, Acting Director, Retail Food and Cooperative Programs Coordination is the new FDA representative to the CFP Executive Board. Kevin replaces Faye Feldstein, who now serves as the Deputy Director of OFCDER.

Wendy Fanaselle and Jon Woody have accepted new positions within OFCDER's Risk Management Team and the Food Defense Oversight Team, respectively. Two new hires to the RFPT are anticipated .

Changes in FDA's Office of Regulatory Affairs

Richard Barnes, reported via telephone on a proposed transformation of FDA's Office of Regulatory Affairs, including plans to eliminate the existing FDA Regions and consolidate field operations into 16 District Offices. Mr. Barnes assured the CFP executive Board that Retail Food Specialists will continue to provide support and technical assistance to our State and local partners.

FDA representation on CFP Committees

See **Attachment 1** for the current list of FDA representatives on the various CFP Committees. Due to staff changes, several changes were merited.

Response to CFP Recommendations related to the Food Code

Twenty-two 2006 CFP recommendations were related to the Food Code and were prioritized by the CFP Executive Board in Fall 2007: 16 recommended changes to the Food Code.

Sixteen recommendations suggested specific changes to the Food Code.

14 of the 16 will be addressed in Supplement to the 2005 Food Code, as follows (by priority suggested by CFP Executive Board):

- High Priority - I-016, I-027, I-028, I-032, I-033, I-035, I-036, III-005, III-013
- Moderate Priority - I-003, II-030, III-018
- Low Priority - I-002 and I-022

1 of the 16 (III-016- Blade Tenderization) is still being considered by a CFP Committee for inclusion in the Supplement.

1 of the 16 (III-10- Storage Temperature of Certain Natural Cheeses) will not be included in the Supplement to the 2005 Food Code.

Issue III-10 recommended that FDA work with Stakeholders on food safety issues to determine if certain cheeses do not need temperature control for safety. FDA met with academia, dairy and retail industry representatives to gain an understanding of what they wanted. At this point, the Center does not plan to move toward developing a list of cheese varieties that don't require storage and display under refrigeration. Given the variation in composition in cheeses within a given varietal designation (e.g. as between countries, regions, brands, even batches from a given manufacturer) it is not feasible for FDA to propose blanket exemptions from refrigeration for any cheese, including named varieties identified by a standard (i.e., those that meet a Standard of Identity as will be found at 21 CFR 133 et seq.).

The Food Code provides the criteria upon which the need for temperature control can be determined using pH and water activity and indicates when a product assessment (such as inoculation studies) would be necessary to demonstrate that a given manufacturing lot of cheese might be safely stored at room temperature. Cheese manufacturers or suppliers should be prepared to provide retailers with the lot- specific information necessary to verify that a particular lot of product can be stored safely at room temperature. It should be assumed that cheeses require storage and display under refrigeration unless the results of a validated product assessment and/or the pH and water activity values for any given lot show that time/temperature control for safety is not needed, in accordance with the Interaction Tables in the definition of PHF/TCS Food in the 2005 Food Code.

Six recommendations did not recommend specific changes to the Food Code:

II-029 – Acknowledgement of Committee Report

II-031 – Evaluate need for future changes to inspection form and marking instructions – committee to report back at 2008 CFP meeting

II-032 – Electronic inspection Report form, data maintenance & Report generation – best practices and lessons learned in the development and sharing of electronic data capture

II-033 – Asks FDA to develop a training program for regulatory agencies on the use of the inspection report form – work for training on food inspection report form is in the queue – now exploring as a risk-based inspection course and the course advisory group is under development. Once we have the final inspection form (it changed again to match the 2007 Supplement) a more specifically targeted training module can be developed.

II-034 – FDA continues to work with the Inspection Form Committee and Scoring subcommittee

III-09 – FDA is still considering how to best clarify the mechanism for identifying which cheeses, if any, should be exempt from the datemarking provisions of the Food Code

Food Code Supplement 2007

FDA expects to post the Supplement to the 2005 Food Code (Supplement) on the CFSAN web site in late July 2007. A press release will accompany the release of the Supplement. A “Summary of Changes” is planned for inclusion in the format of the previous Supplement issued in 2003.

Food Defense Initiatives

ALERT

- The ALERT Initiative was launched in summer, 2006 and is intended to raise awareness of state and local government agency and industry representatives regarding food defense issues and preparedness.
- The ALERT wallet cards are now available in English, Spanish, Chinese, Korean, and Vietnamese.
- The ALERT on-line training course was launched in February, 2007
- FDA will be working to develop ALERT messages for front-line workers.
- www.cfsan.fda.gov/alert

CARVER+Shock Software

- Free and available by download in May or June
- Identify any vulnerabilities within facility
- Designed for manufacturers and processors of all food products
- Based on company information, housed on company network, confidential
- Simple, easy-to-follow format, customized results
- Version 2 of the software will focus on retail/foodservice and agricultural subsectors

Food Defense Surveillance Assignment

- Objective: exercise systems related to communication and preparedness for response to a credible threat
- Began March 5, 2007 and lasted for 4 weeks
- Incorporated School Lunch Program and retail/foodservice establishments
- Participant Activities:
 - Routine Food Safety Inspections
 - Discussion of ALERT message and distribution of materials
 - Collection and submission of traceback/traceforward information
 - Sample collection and lab analysis
 - >85 state/local inspection agencies (conducting up to 5 inspections each)
 - 19 state/local FERN labs
 - ORA/FSIS/AMS field inspectors and FERN labs
 - FDA currently reviewing evaluation reports from participants

Produce Safety

- Public Hearings held on March 20, 2007 in Oakland, CA and April 13, 2007 in College Park, MD See the Federal Register, Vol. 72 (February 27, 2007): Docket No. 2007N-0051, CFSAN 20071. Safety of Fresh Produce; Public Hearings; Request for Comments. Pages 8750-8756 [FR Doc. 07-00891] at <http://www.fda.gov/OHRMS/DOCKETS/98ft/07-891.pdf> to view the notice and view the specific questions posed by FDA. For the Hearing on April 13, 2007, comments are due to the Agency June 13, 2007.
- FDA finalizes report on 2006 Spinach Outbreak as of March 23, 2007 See < <http://www.fda.gov/bbs/topics/NEWS/2007/NEW01593.html>>

- FDA issues Final Guidance for Safe Production of Fresh-Cut Fruits and Vegetables as of March 12, 2007 See < <http://www.fda.gov/bbs/topics/NEWS/2007/NEW01584.html>>

Voluntary National Retail Food Regulatory Program Standards

- Participation continues to be strong. Current enrollment is 293 jurisdictions. Updated list of enrollees available on CFSAN website.
- FDA Retail Food Specialists have been recognizing enrolled jurisdictions with Certificates of Achievement upon reaching certain milestones.
- At this time and until further notice, the official version of the Draft Voluntary Retail Food Program Standards continues to be the January 2005 Version. This version is available on the CFSAN website and is contained on the latest version of the Retail Food Resource Disk and the CFP Website. This version remains the official version until certain milestones are reached with respect to OMB approval of the Program Standards initiative. Those milestones are expected to be reached later this year. Jurisdictions are encouraged to familiarize themselves with pending changes that will arrive with 2007 Version of the Standards.

FDA Retail Risk Factor Study

FDA is gearing up for the third round of data collection on the occurrence of foodborne illness risk factors in retail food stores, restaurants and institutional foodservice facilities. Data collection will occur beginning FY 2008 by FDA Regional Food Specialists in 9 facility types consistent with previous FDA studies in 1998 and 2003. A report on the study can be expected in 2009.

Cooperative Programs Resource System

The CPRS is an on-line database of FDA interpretations of the Food Code

- Plan is to have the database initially accessible internally to the FDA Regional Food Specialists as a resource for responding to State and local agency questions for Food Code interpretation.
- Long-term plans are to expand to availability to all stakeholders via the web and will include the Milk and Shellfish Programs at a future date
- Currently the database is nearing the launch of a pilot internally by the FDA Regional Food Specialists using approximately 80 entries.

CFSAN Retail Food Home page has been retooled and has a new look and organizational structure. It can be accessed at <<http://www.cfsan.fda.gov/~ear/retail.html>> See **Attachment 2**, Guide to the FDA Retail Food Protection Website.

Satellite Broadcast, *Reducing Risk Factors at Retail and Food Service* held on November 30, 2006 received a Telly Award (an award similar to the Oscars for producers/directors of TV and broadcasting shows).

Schedule for 2007 FDA Regional Food Safety Seminars

PAR - August 7-9, 2007 in Phoenix, AZ
NER - August 22-24 in Hartford, CT
SWR - September 25-27, 2007 in Cheyenne, Wyoming
SER - October 23-25 in Bay St. Louis, MS
CER - Sept or Oct in Washington, DC. TBD

FDA Training Courses on Retail Food Safety

- (1) **Web courses:** free online registration for FDA, State, Local & Tribal regulators at:
<http://www.fda.gov/ora/training/>
 - (a) Basics of Auditing for Regulators course --- The course is now up and running on ORA U's internet site (not EduNeering) (PDF version, no bells or whistles) and take the exam on ComplianceWire (EduNeering's site) for your certificate.

See < <http://www.fda.gov/ora/training/orau/state/intro.htm>>

- (2) **Classroom Courses:**

The last scheduled face-to-face **Food Code** course held the week of April 2 – 6, 2007 in Utah. Continuation of the Food Code courses will be via an on-line web course that is now in development.

Other Retail Food courses for the remainder of FY 2007 are scheduled on topics including Temporary Food Establishment, Plan Review, Managing Retail Food Safety - Applying HACCP Principles to the Inspection of Retail and Food Service Establishments, and Foodborne Illness Investigations. For a course near you, see the 2007 Schedule of Food Safety courses at
http://www.fda.gov/ora/training/stt/state_training_schedule.html

Attachments (2)