



**U.S. FOOD & DRUG**  
ADMINISTRATION

## FDA Report

Conference for Food Protection, Executive Board Meeting  
April 26-27, 2022, Houston, TX hybrid meeting

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# Status of 2020 CFP Meeting Recommendations

Overall, in **Part I**, Conference Recommendations for Changes to the FDA Food Code:

- FDA **conceptually agreed with 22 out of 24** recommendations
- FDA **partially concurred with 1 out of 24** recommendations
- FDA **non-concurred with 1 out of 24** recommendations (Issue 2020-I-012 on Use Limitation of Untreated Wood for Cooking Surface)



# Status of 2020 CFP Meeting Recommendations

In **Part 2**, Conference recommendations that requests the FDA to take certain actions but that do not recommend specific changes to the FDA Food Code (includes the Retail Program Standards):

- FDA **concurred with 9 of 14** recommendations
- FDA **partially concurred with 3 of 14** recommendations
- FDA **non-concurred with 1 of 14** recommendations (Issue 2020-I-012 on Use Limitation of Untreated Wood for Cooking Surface)
- FDA has **for further consideration a response on 1 out of 14** recommendations



# Status of 2020 CFP Meeting Recommendations

In **Part 2**, Conference recommendations continued . . . :

**Specific to** the CFP Issues regarding **the Retail Program Standards**, there were ten (10) recommendations. In summary:

- FDA **conceptually agreed with 6 out of 10** recommendations related to the Retail Program Standards
- FDA **partially concurred with 3 out of 10** recommendations related to the Retail Program Standards.
- FDA has **for further consideration a response on 1 out of 10** recommendations related to the Retail Program Standards.



# Part 1 – Conference Recommendations for Changes to the FDA Food Code

The **FDA conceptually agrees \*\*** with **22 of the 24 Part 1 recommendations** and anticipates making changes to the Food Code and its Annexes related to the following Issues:

- **2020-I-005**            **CFP – ISSC Joint Committee on Shellfish; Amend the Food Code**
- **2020-I-006**            **Amend Food Code and Annex references to 21 CFR 110 and replace with 21 CFR 117**

*\*\*Please note that while the FDA agrees in concept with these 22 recommendations, the agency may not agree with specific proposed wording for the FDA Food Code changes or placement of recommended changes. In these cases, the FDA may exercise its option to modify the recommended text or placement in the Food Code, either to provide clarity or to achieve consistency with the structure or conventions of the Food Code.*



# Part 1 – Conference Recommendations for Changes to the FDA Food Code continued . . .

The **FDA conceptually agrees\*\*** with **22 of the 24 Part 1 recommendations** and anticipates making changes to the Food Code and its Annexes related to the following Issues:

- **2020-I-007**                      **Amend Food Code Section 1-201.10 to replace Fruits and Vegetables with term Plant Food**
- **2020-I-013**                      **Adding and other Food Contact items to Section 7-203.11**
- **2020-I-019**                      **Storage in Toilet Rooms**



# Part 1 – Conference Recommendations for Changes to the FDA Food Code continued . . .

The **FDA conceptually agrees\*\*** with **22 of the 24 Part 1 recommendations** and anticipates making changes to the Food Code and its Annexes related to the following Issues:

- **2020-I-028**      **Amend Food Code – Permit Pet Dogs in Outdoor Dining Areas**
- **2020-I-030**      **Removing the Reference to Restricted Use Pesticides in 7-202.12(B)(2)**
- **2020-I-031**      **Person in Charge 2-103.11**



# Part 1 – Conference Recommendations for Changes to the FDA Food Code continued . . .

The **FDA conceptually agrees\*\*** with **22 of the 24 Part 1 recommendations** and anticipates making changes to the Food Code and its Annexes related to the following Issues:

- **2020-II-013**      **AC#3 – Amend Food Code for Major Food Allergen Training for Food Employees**
- **2020-II-014**      **AC #4 – Amend Food Code for Notification of Major Food Allergens in Bulk Foods**
- **2020-II-015**      **AC #5 – Amend Food Code for Written Notification of Major Food Allergens**





## Part 1 – Conference Recommendations for Changes to the FDA Food Code continued . . .

The **FDA conceptually agrees\*\*** with **22 of the 24 Part 1 recommendations** and anticipates making changes to the Food Code and its Annexes related to the following Issues:

- **2020-III-003**      **SHC-RPC-3 Sharing of Guidance Document for Roaster Pig Cooking**
- **2018-III-006**      **DTCDC #3 Request Food Code Annex be amended to include guidance document**
- **2020-III-009**      **PWWC – Issue 3: Amend Food Code to include Produce Wash Testing Devices**



## Part 1 – Conference Recommendations for Changes to the FDA Food Code continued . . .

The **FDA conceptually agrees\*\*** with **22 of the 24 Part 1 recommendations** and anticipates making changes to the Food Code and its Annexes related to the following Issues:

- **2020-III-014**      **PAC 5 – Amend Food Code Reference Approved Documents in FDA Food Code Annex 3**
- **2020-III-019**      **Amend Food Code – Frozen Food Cook Requirements for HSP**
- **2020-III-023**      **Amend Food Code – Clarification of allowable sanitizers in 4-501.114**



## Part 1 – Conference Recommendations for Changes to the FDA Food Code continued . . .

The **FDA conceptually agrees\*\*** with **22 of the 24 Part 1 recommendations** and anticipates making changes to the Food Code and its Annexes related to the following Issues:

- **2020-III-024**      **Amend Food Code by removing the flavor enhancers monosodium glutamate**
- **2020-III-026**      **Amend 3-302.11: When raw animal products do not need separation from RTE**
- **2020-III-027**      **Temperature of Water for Handwashing Sinks**



## Part 1 – Conference Recommendations for Changes to the FDA Food Code continued . . .

The **FDA conceptually agrees\*\*** with **22 of the 24 Part 1 recommendations** and anticipates making changes to the Food Code and its Annexes related to the following Issues:

- **2020-III-032**      **Manufacturer cooking instructions and disclosures**
- **2020-III-034**      **Inclusion of the phrase “expelled air” in the definition of ROP**



## Part 1 – Partially Concur and Non-Concur Recommendations:

- **The FDA **partially concurred** with 1 of 24 recommendations (Issue 2020-I-003 Food Recovery Committee Food Code Amendment)**
- **The FDA **non-concurred** with 1 of 24 recommendations (Issue 2020-I-012 on Use Limitation of Untreated Wood for Cooking Surface)**

This Issue is tied to a Part 2 request (Other Recommendations to the FDA) for a safety assessment to be conducted by the FDA. Until safety information supporting a GRAS conclusion is submitted to FDA for evaluation, the FDA does not concur with the recommended change to allow for use of untreated cedar wood planks for grilling and baking food.



## Part 2 - Other Recommendations to FDA

FDA **concurred with 9 of 14** recommendations in **Part 2** of the letter:

- **2020-I-019 Storage in Toilet Rooms**
- **2020-I-032 Whole Muscle Intact Beef Labeling**
- **2020-I-035 When to Wash to Include Vaping**



## Part 2 - Other Recommendations to FDA

FDA **concurred with 9 of 14** recommendations in **Part 2** of the letter:

- **2020-II-018**      **PSC Issue #2 New Assessment Tool for Standard 8 Staffing Level Criteria**
- **2020-II-020**      **PSC Issue #4 Maintenance and Posting of the Self-Assessment Tool (S/A Tool)**
- **2020-II-027**      **PSC Issue #9 Amend Standard 2 to increase the time for completion of Steps 1-4**



## Part 2 - Other Recommendations to FDA

FDA **concurred with 9 of 14** recommendations in **Part 2** of the letter:

- **2020-II-029**      **CFP Model Code**
- **2020-II-032**      **Amend VNRFRPS Standard 6 – Compliance and Enforcement**
- **2020-III-035**      **Amend Food Code: clarify language for disinfection of food-contact surfaces**





## Part 2 - Partially Concur Recommendations

**FDA partially concurred with 3 of 14 recommendations in Part 2:**

- **2020-II-024**      **PSC Issue #6 Amend Standard 2 Appendix B-1 Format**
- **2020-II-025**      **PSC Issue #7 Amend Standard 2 curriculum to replace select courses with updates**
- **2020-II-026**      **PSC Issue #8 Amend Standard 2 to include addition “pre” and “post” topics**



## Part 2 - Non-Concur Recommendation

**FDA non-concurred with 1 of 14 recommendations in Part 2:**

- **2020-I-012 Use Limitation of Untreated Wood for Cooking Surface**



## Part 2 - Recommendation For Further Consideration

FDA has **for further consideration** a **response on 1 out of 10** recommendations related to the Retail Program Standards.

- **2020-II-031**      **Standard 1 Update to Require 80% of Certain Provisions**



# Next Release of the FDA Food Code

## 2022 FDA Food Code:

- The FDA values the input of all retail food stakeholder groups through the CFP.
- With the CFP change to an odd-year meeting cycle due to the Covid-19 pandemic, **FDA adjusted the Food Code release cycle to be in even years going forward**
- **The next full edition is to be released in Calendar Year 2022.**



# Next Release of the Voluntary National Retail Food Regulatory Program Standards

## 2022 Voluntary National Retail Food Regulatory Program Standards (VNRFRPS):

- The **next scheduled edition**, originally scheduled in 2021, is now planned in **Calendar Year 2022**.



# Voluntary National Retail Food Regulatory Program Standards

- Five (5) **Self-Assessment/Verification Audit (SA/VA) courses in FY22**. Three of the courses are being delivered face to face:
  - ❑ May 24 – 26, 2022, Tampa, FL
  - ❑ June 26 – 28, 2022, Spokane, WA
- Through a cooperative agreement with FDA's Office of Training, Education and Development (OTED), NEHA is developing a virtual SA/VA course module(s) that will allow for on-site / on demand access to this training in 2023.



# Voluntary National Retail Food Regulatory Program Standards

- FDA’s National Retail Food Team (NRFT) is supporting the “**Retail Program Standards Symposium**,” a 3-day **virtual** workshop that will be offered **June 7 – June 9, 2022**.
- The goal of the Symposium is to provide support and education for retail food safety jurisdictions at state, local, tribal and territorial (SLTT) levels, regardless of their experience with the Retail Program Standards.
- The virtual conference will provide tools to help jurisdictions prepare for the 2023 Retail Flexible Funding Model grant cycle. The OSCP Retail Food Protection Division is providing program planning support as well as staff expertise to lead sessions.



## Retail Regulatory Association Collaborative

- March 2022 NEHA Journal of Environmental Health article
  - Article written by CDC, “Protecting Retail Food Safety by Strengthening Partnerships and Collaboration” and Chris Smith, FDA’s OSCP Retail Branch Director was a contributing author.
  - The article highlights the important public health work that is being accomplished through the Retail Regulatory Association Collaborative that seeks to align efforts of FDA, CDC, AFDO, NEHA, NACCHO and CDC toward specific strategic goals.





# Questions?

This FDA Report to the CFP Executive Board is respectfully submitted on  
April 26-27, 2022

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