

Conference for Food Protection – Committee Periodic Report

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Approved 4/20/2016*

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COMMITTEE NAME: CFP ISSC Shellfish Committee

DATE OF REPORT: *Initial fall progress report* *Spring progress report* *Second fall progress report*

Date submitted: 7/17/2019 **Date amended (if applicable):** *Click here to enter a date.* **Date accepted by Executive Board:** *Click here to enter a date.*

COMMITTEE ASSIGNMENT: *Council I* *Council II* *Council III* *Executive Board*

REPORT SUBMITTED BY: Julie Henderson and Bill Dewey

COMMITTEE CHARGE(S):

Issue # 2016-I-023

1. Investigate opportunities and activities that will educate and advise State and Local retail food inspectors and retail food establishments of the importance of compliance with Food Code Section 3-203.12.

COMMITTEE WORK PLAN AND TIMELINE:

COMMITTEE ACTIVITIES:

1. *Dates of committee conference calls: 3/22/19, 4/16/19, 5/21/19, 7/16/19*
2. *Overview of committee activities:*

In 2016, the Interstate Shellfish Sanitation Conference (ISSC) submitted Issue 2016-I-023 to the Conference for Food Protection (CFP) for consideration. The CFP adopted the Issue as submitted. Recommendation #2 of the issue requested the FDA begin discussions with the ISSC and the CFP to identify steps that can be taken to enhance implementation and enforcement of shellfish record keeping at retail establishments. This committee is requested to address recommendation #2 by investigating opportunities and activities that will educate and advise State and Local retail food inspectors and retail food establishments of the importance of compliance with Food Code Section 3-203.12. These efforts would explain how the source information associated with record keeping requirements is used by Shellfish Control Authorities and the USFDA in illness investigations that can subsequently result in shellfish growing area closures and recalls. The purpose of this effort would be to enhance compliance of record keeping requirements to improve the ability of retail food establishments to provide complete and accurate source information in illness investigations.

The CFP ISSC Shellfish Committee first met on March 22, 2019 to discuss the committee charges. The Committee has met on the third Tuesday of each month, excepting the month of June, since then. Several members on the Committee stated that their agency's provide training to the shellfish industry and shellfish specialists (inspectors) on shellstock traceback and the importance of maintaining shellstock identification and recordkeeping. A few states educate retail food inspectors and provide educational opportunities to retail establishments. There is a gap however in the regulatory requirements for retail establishments as well as the educational opportunities to both retail food inspectors and retail establishments. Not all local and state jurisdictions adopt the most recent version of the FDA Food Code.

3. **Charges COMPLETED and the rationale for each specific recommendation:**

Educational materials – The committee found some resources used by states and local jurisdictions however those resources are jurisdiction (local or state) specific.

- Categories for materials – Regulators need materials on how to conduct investigations. Operators need materials on how to conduct traceback. The committee catalogued what is out there and analyzed the resources identified by the committee and have identified gaps. We have consolidated those materials and placed them on FDA Food Shield.

4. *Status of charges still PENDING and activities yet to be completed:*

The Committee recommends that FDA continue to gather information regarding which local and state jurisdictions have adopted §3-203.12, Shellstock, Maintaining Identification of the Food Code, and work to encourage those states who have not adopted this requirement to do so. By promulgating regulation to require shellstock identification and recordkeeping, local and state jurisdictions stress the importance of shellstock tags to retailers. This also creates an opportunity for education and public health significance of local and state retail food inspectors on the requirements.

The FDA amended in the FDA Shellfish Model Ordinance in 2018 in response to an ISSC proposal (Proposal 17-216) that FDA submitted to ISSC in 2017 to change the shellstock tag retention language to read as follows: “This tag is required to be attached until container is empty or is retagged and thereafter kept on file, in chronological order, for 90 days,” “Retailers: date when last shellfish from this container sold or served (insert date)”. These changes had a delayed implementation date of January 1, 2019. This additional language was added to the tags in order to expedite accurate product traceback in the event of illnesses. Adding the date the last shellfish were sold to the tag can narrow the number shellfish lots implicated in an illness outbreak and that are potentially required to be recalled. FDA argued that during shellfish illness investigations, properly kept tags at retail establishments are an important element in performing product traceback. Not having the date the last shellfish were sold or served on the shellstock tag hampers the public health official’s ability to accurately determine the source of the illness. It also results in a waste of valuable resources, as states may initiate recalls and investigations that are later found through further investigation to be not warranted. Categories for materials – regulators need materials on how to conduct investigations. Operators need materials on how to conduct traceback. Preparing for illness investigations. We have catalogued what is out there. We analyzed the resources identified by the committee and have identified gaps.

COMMITTEE REQUESTED ACTION FOR EXECUTIVE BOARD: *No requested action at this time*

In light of the 2019 changes in the Model Ordinance, **the committee would like to submit an issue at the 2020 Conference for Food Protection to amend the Food Code** to mirror the Interstate Shellfish Sanitation Conference Model Ordinance language for shellstock and in shell or post-harvest processed in-shell tag labeling.

We ask the Board to either let us continue to develop resources or send it to another committee.

ATTACHMENTS:

1. *Content Documents:*

a. **Committee Member Roster:** *See changes noted above under “requested action”* *No changes to previously approved roster*
“Committee Members Template” (Excel) available at: www.foodprotect.org/work/ Committee roster to be submitted as a PDF attachment to this report.

b. **Committee Generated Content Documents (OPTIONAL):** *No draft content documents submitted at this time*

2. **Supporting Attachments (OPTIONAL):** *Not applicable*