

Item 4.8.1

FDA Report to the Executive Board of the Conference for Food Protection

August 13-14, 2019 – Fort Mill, South Carolina

Glenda R. Lewis, Director, Retail Food Protection Staff, Center for Food Safety and Applied Nutrition, FDA representative to the CFP Executive Board

Ushering the U.S. into a ‘New Era of Smarter Food Safety’

<https://www.fda.gov/news-events/press-announcements/statement-acting-fda-commissioner-ned-sharpless-md-and-deputy-commissioner-frank-yiannas-steps-usher>

On April 30, 2019 Acting Commissioner of FDA, Norman E. "Ned" Sharpless MD and Deputy Commissioner for Food Policy and Response – FDA, Frank Yiannas announced FDA’s efforts toward an era of smarter food safety. The new era builds on the progress of FSMA and its regulatory framework, but also leverages the use of new and emerging technologies to create a more digital, traceable and safer system. To kick off this new focus, FDA intends to develop a “Blueprint for a New Era of Smarter Food Safety.” The Blueprint will address several areas, including traceability, digital technologies and evolving food business models. FDA will also be holding a public meeting later this year to discuss smarter food safety, seek stakeholder input and share ideas on our overall strategy and the specific initiatives.

Update on the FDA’s National Retail Food Team – organization & strategic goal/objectives

FDA’s National Retail Food Team (NRFT) established its FDA Retail Food Executive Leadership Alignment Team (ELAT). The respective leads for each component of the NRFT make up the ELAT. These are: CFSAN (Glenda Lewis), ORA-OSCP – Laurie Farmer; ORA-Office of Partnerships – Alan Tart; and ORA-OTED – John Stoll). The ELAT has been addressing FDA’ retail strategic direction and the NRFT goal that was established is: Reduce the occurrence of foodborne illness risk factors in food establishments. The 3 strategic objectives established are:

1. Increase uniformity, consistency, and capacity of SLTT retail food protection programs
2. Promote industry’s active managerial control of foodborne illness risk factors & promote a culture of food safety
3. Maintain a strong NRFT work force

Collaborating with our Regulatory Retail Food Professional Associations

- Retail Food Association Summit meeting held June 4-6, 2019 at FDA in Rockville, MD
- The CFP; AFDO; NACCHO; and NEHA) participated and David Lawrence, CFP Chair, and Brenda Bacon, CFP Vice-Chair participated on behalf of CFP.
- The Retail Food Association Summit exists to leverage resources and strengths of AFDO, CFP, FDA, NACCHO, and NEHA to collaboratively advance retail food initiatives and activities resulting in a reduction of foodborne illness.
- The Summit attendees agreed to the **establishment of 3 Workgroups for Short-term priorities with Action Plans and Time Lines**

1) Development of Communication Tool for this Association Collaboration

Communication Workgroup: Develop an initial communication tool (Responses to Association Purpose) as part of the Organizational Structure Action Plan. Target is to have work on a communication tool completed in mid-October

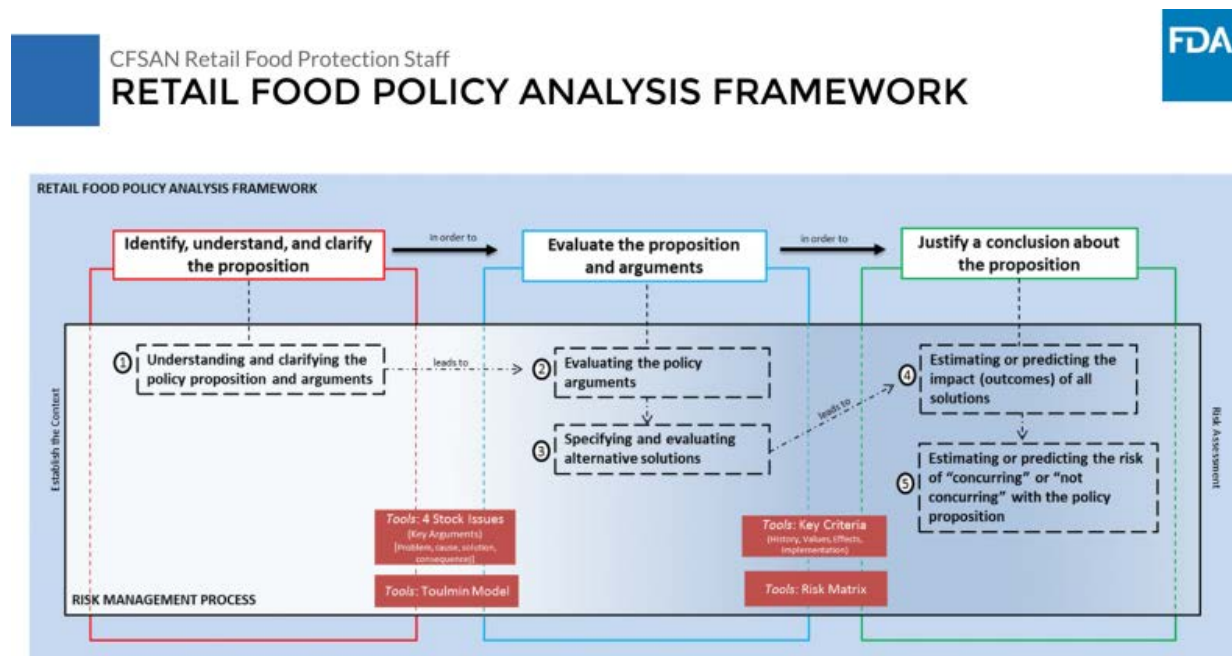
2) Develop the Organizational Structure for the Retail Food Association Collaboration

Organizational Structure Workgroup: Develop recommendations for organizational structure with a target of late December 2019 for final consensus and outcomes.

3) Develop Tools to Promote Adoption and Implementation of the Food Code

Support Food Code Adoption Workgroup: Provide support to adopt Food Code in three areas: development of a Toolkit for adoption; Implementation tool box, and sustainability with a mid-October 2019 target date for review of an action plan.

Preparing for the 2020 CFP Meeting - FDA Policy Analysis process and Retail Food Policy Analysis Framework for evaluating retail food policy recommendations for Food Code development and decision making





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RETAIL FOOD POLICY ANALYSIS FRAMEWORK



Identify, understand, and clarify the proposition

① **Understanding and clarifying the policy proposition and arguments**

Identify the four stock issues (key arguments):

- **Problem** (ill) – *Specify what is wrong.*
- **Cause** (blame) – *The source of the problem.*
- **Solution** (cure) – *The recommended solution or plan.*
- **Consequences** – *The material and social consequences of implementing the solution.*

Map the arguments *(if needed)*

- Map the argument (e.g., Toulmin Model) - *claims, grounds, warrant, backing, qualifier, rebuttal*

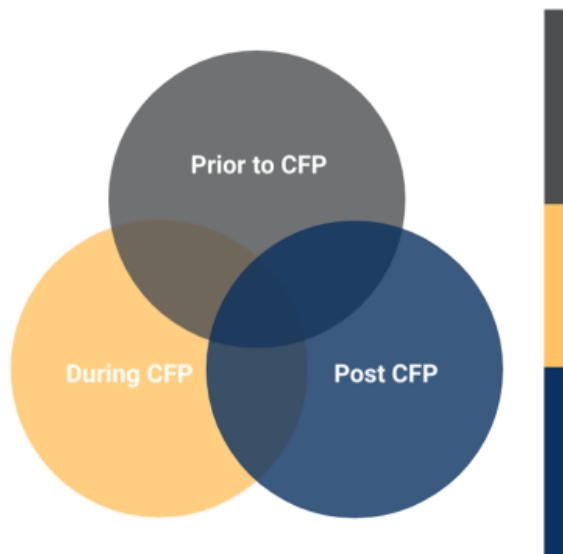


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EVALUATING RETAIL FOOD POLICY RECOMMENDATIONS



Prior to CFP

- Identify the proposition(s)
- Identify and evaluate claims and key arguments ("stock issues")
- Identify assumptions, evaluation criteria, and logical fallacies
- Identify evidence and clash points

During CFP

- Gain clarity and inform debate on the proposition(s), claims, key arguments, assumptions, evaluation criteria, and evidence.
- Inform the debate on alternative solutions
- Understand the intent and rationale of final recommendations

Post CFP

- Evaluate the final policy recommendation
- Determine if the policy recommendation is warranted.
 - If so, determine appropriate way to implement the recommendation.




5 TIPS

to preparing policy recommendations for

RETAIL FOOD POLICY DEBATE

Attempting to solve the nation's retail food safety challenges involves debate over the most effective, efficient, and feasible policy option to solve identified problems. Through our work in retail food policy analysis, we have identified five things individuals can do to prepare retail food policy recommendations for debate.

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- ### 1 Clearly define the problem that needs to be addressed

Public policy making is about problem solving. If no problem exists there is no need to offer a policy solution. Establishing policy to fix a nonexistent problem may lead to new problems and unintended consequences.

 - Describe and provide evidence for the existence, size, and severity of the problem.
 - ### 2 Clearly describe the cause of the problem

Problem solving requires focusing on the underlying cause(s) of the problem.

 - Provide the reasoning and evidence to support a link between the problem and cause.
 - Anticipate that your reasoning and evidence will be challenged during debate.
 - ### 3 Clearly explain why the status quo is not addressing the problem

Recommendations to change policy assumes that the status quo is not working. Does structural, attitudinal, or gap inherency exist?

 - Structural Inherency - a formal block (like a law)
 - Attitudinal Inherency - an informal block (like perceptions or lack of awareness)
 - Gap Inherency - existing solutions aren't doing enough to solve the problem

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4 **Clearly present your recommended policy solution and explain why it should be preferred over possible alternatives**

Provide the reasoning and evidence behind how and why your proposed solution will resolve the problem and why it is preferable over other alternatives and the status quo.

- What criteria did you use for comparison?
- Can a non-policy option address the problem?

5 **Clearly state the potential consequences of implementing the recommended policy solution**

Describe the intended and unintended consequences (both material and social) of implementing your policy solution.

- Do the positive consequences outweigh the negative consequences?

Anticipate stakeholder questions and concerns

Be prepared to address questions and concerns regarding areas of potential disagreement (clash points) with the claims, evidence, and assertions you have made. Clash points may involve facts, value, and/or policy.

Fact - assertion about what is and what isn't or what happened or didn't happen
 Value - assertion over what is appropriate or inappropriate; good or bad
 Policy - assertion about what we should do or what the policy should be

For more information, please email: retailfoodpolicyteam@fda.hhs.gov

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Status of the Supplement to the 2017 Food Code and the 2019 Retail Program Standards manual:

The *Supplement to the 2017 Food Code* and the 2019 version of the Retail Program Standards are in final clearance and the target for release is by Fall 2019.

2019 Retail Program Standards Grant Program

The Retail Association Cooperative Agreement with AFDO will open for applications Sept. 4th. Approximately \$2M will be available.

The Mentorship Cooperative Agreement with NACCHO will open for applications on Sept. 4th. Approximately \$800,000 will be available. The funding is double the available funds last year.

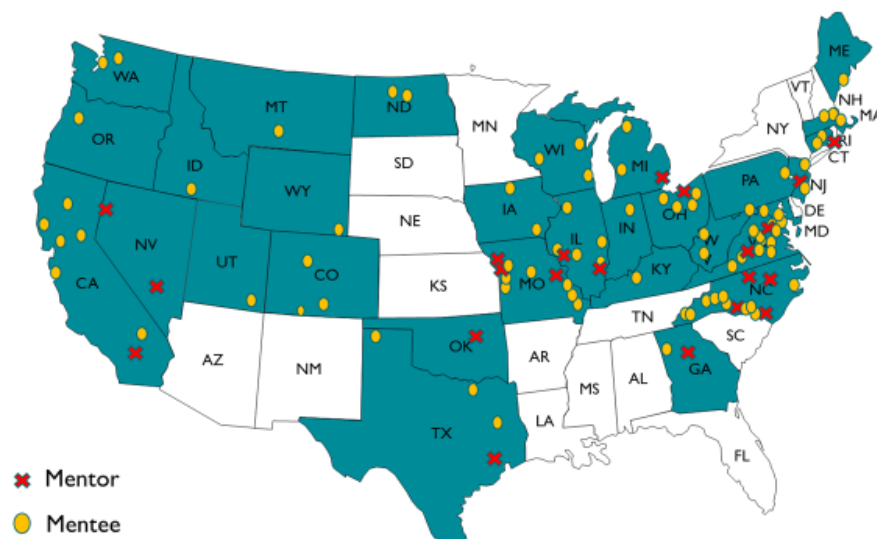
FDA announced a project to develop a Voluntary National Retail Food Regulatory Program Standards (VNRFRPS) Flexible Funding Model and related Funding Opportunity Announcement (FOA) that advance FDA's retail strategic goals and objectives to reduce foodborne illness risk factor occurrence, promote full conformance in the VNRFRPS, and fully leverage state, local, tribal, and territorial (SLTT) and retail food professional association partners. We hope to make this new FOA available in Fiscal Year 2021.

FDA is currently presenting a proposed Retail Flexible Funding Model to shareholders for comment.

The presentations started in May and will go through the Fall of 2019. Comments will be used to modify and change the model to best serve the strategic goals of the project and our SLTT and retail food professional association partners.

Voluntary National Retail Food Regulatory Program Standards

The National Association of County and City Health officials (NACCHO) and the FDA are in the eighth cohort of a mentorship program for retail food regulatory programs. The Mentorship Program is funded through a Cooperative Agreement between FDA and NACCHO. The goal of the cooperative agreement is to strengthen and promote the role of local health departments in retail food safety regulation. The mentorship program pairs retail food regulatory program practitioners who are experienced in applying the Retail Program Standards with those newly enrolled and/or looking for assistance for continued success. The Mentorship Program has helped participants improve their inspection programs, train more inspection staff, enhance customer service, and implement innovative strategies to reduce risk factors at retail that may cause or contribute to foodborne illness outbreaks. Participants also gain insight on developing and implementing policies and procedures, completing self-assessments, and conducting verification audits. Funding from the program has also helped participants purchase equipment needed for conducting inspections. Cohort 8 in 2018-2019 consists of 23 participants, including six mentors and 17 mentees, from across the nation.



**NACCHO Mentorship Program for the Retail
Program Standards
Cohort 1-8**

A highlight of the program is a site visit by the mentees to meet and work with their mentors and an end of program year meeting for all participants to report on progress and share experiences. The meeting is being held August 14, 2019 in Washington, D.C. Throughout the program year, resources and tools developed by program participants will be shared with other regulatory programs and a “sharing session” webinar on a retail food topic will be scheduled and made available to all jurisdictions on the NACCHO web site.

FDA & NACCHO RETAIL PROGRAM STANDARDS MENTORSHIP PROGRAM

2019–2020 COHORT

Applications will open September 4–October 15, 2019.

Apply at www.naccho.org/retail-program-standards.

HOW IT WORKS

1. Funding is open to state, local, tribal, and territorial retail programs enrolled in the Retail Program Standards. *Note: Contact your FDA Retail Food Specialist to enroll (<http://bit.ly/FDASpecialists>).*
2. Retail food regulatory program practitioners apply as mentors or mentees.
3. NACCHO matches practitioners experienced in applying the Retail Program Standards with those looking for resources and assistance.
4. Mentors advise mentees throughout the year, culminating in a full cohort meeting to share experiences and lessons.

FUNDING LEVELS

- Up to \$15,000 for mentees
- Range of \$15,000–\$24,000 for mentors (based on number of mentees supported)

“Our participation in the mentorship program was key to meeting all nine Standards.”

– Jason Reagan, District Environmental Health Director, Gwinnett, Newton, and Rockdale County Health Departments (Former mentee and mentor)



Questions? [Email foodesafety@naccho.org](mailto:foodesafety@naccho.org) or call 202-507-4221.

This program is funded through a Cooperative Agreement between the Food and Drug Administration (FDA) and NACCHO.

NACCHO
National Association of County & City Health Officials
The National Connection for Local Public Health

For more information on the Mentorship Program, Retail Program Standards and the NACCHO-FDA Cooperative agreement, contact the Project Officer, Pete Salsbury (Peter.Salsbury@fda.hhs.gov) or visit these websites: [Mentorship Program for the Retail Program Standards](#) or [FDA’s Voluntary National Retail Food Regulatory Program Standards \(Retail Program Standards\)](#)

Research and Surveillance

Recently Published (2018-2019):

- Food Safety Management Systems, Certified Food Protection Managers, and Compliance with Food Safety Practices Associated with the Control of *Listeria monocytogenes* in Foods at Restaurants
- Advancing Retail Food Policy Debates: Estimating the Risk of Contaminated Servings of Food Attributed to Employee Food Handling Practices in Retail Food Establishments
- 2018 Food Code Adoption Report

In Progress:

- Trends in FDA Food Code Adoption among State Regulatory Agencies: 2008-2016
- Assessing Employee Health Policies for Reporting and Excluding Ill Food Employees in Restaurants
- Factors Affecting Transfer of Copper from Food Contact Materials
- Allergen Removal and Transfer in a Retail or Food Service Environment Using Wiping and Cleaning Methods
- Handwashing Compliance Rates in Retail and Foodservice Establishments: A Systematic Review

Menu Labeling Implementation

- As FDA moves forward with implementation of the menu labeling requirements, the agency will continue to work flexibly with restaurants and similar retail food establishments to help them comply.
- The FDA will work with states and localities that are interested in working with the agency to ensure consistent implementation of menu labeling requirements. FDA also plans to engage with retail stakeholder groups, such as the Conference for Food Protection, to share information and look at developing common approaches to key implementation issues.
- **Fact Sheet released August 13, 2019 at: <https://www.fda.gov/food/food-labeling-nutrition/fact-sheet-fdas-implementation-menu-labeling-moving-forward>**
- **Constituent Update released on August 13, 2019 at: <https://www.fda.gov/food/cfsan-constituent-updates/fda-issues-fact-sheet-menu-labeling-implementation>**

Education and Outreach

- **Decoding the Food Code On-line Training Module**

This is training module designed to help stakeholders, including all levels of government and industry, understand the structure, nomenclature, and conventions of the Food Code. The Food Code and this *Decoding the Food Code: Information to Assist the User* training module are resources for protecting public health and ensuring food is unadulterated and safe when it is offered to the consumer at retail and in food service establishments.

This training module fills gaps in knowledge and can empower local regulators and other stakeholders to better interpret and utilize the Food Code to prevent foodborne illness. Understanding how to read codified text, finding applicable provisions and their accompanying annexes are some ways stakeholders can use the training module as an overall reference in navigating the Food Code.

- **Posters**

- **American Chemistry (Posters) (<https://waterandhealth.org/resources/posters/>)**

FDA served on the **American Chemistry Council (ACC)** ad hoc “Pictogram Poster Development Group”, an informal partnership of experts in disinfection and public health practice organized by ACC’s Chlorine Chemistry Division (CCD) to develop a series of easy-to-understand directions for surface sanitizing and disinfecting. In mid-July 2019 the three food safety posters that were developed were approved.

The posters can be downloaded at <https://waterandhealth.org/resources/posters/>. ACC’s Chlorine Chemistry Division’s Water Quality & Health Council (an outside advisory group of public health and consumer advocates) introduce the new food safety posters in an article to be posted on their [website](#) on August 9.

- **Retail Food Protection Industry Educational Materials (Posters)**

The National Retail Food Team has released new posters that focus on retail date marking and adequate cooking temperatures for turkey and ground beef. These posters were created as part of the FDA’s efforts to enhance food safety training at the retail level by helping employees better understand their role in preventing foodborne illnesses, particularly among vulnerable populations.

The following information is being conveyed:

- **Retail date marking** posters demonstrate the importance of serving or discarding refrigerated, prepared food within 7 days in retail food settings.
- **Adequate Cooking Temperature** posters explain the importance of bringing poultry (whole and ground) and ground beef to the correct temperature in retail food settings.

The English language version of the posters are currently available on the [Educational Materials for Retail Food Employees](#) website and can be downloaded and printed.

Additional versions of these posters will be available in weeks to come. These include two-sided posters with English on one side and Spanish, Russian, Simplified Chinese, Traditional Chinese, Korean or Hindi on the other.

FDA Website changes

- FDA launched the refreshed site on Friday evening, April 26, 2019.
- Every URL will change.
- Bookmarks do not automatically update and will have to be updated manually for your FDA bookmarked webpages.
- The new website is more user friendly for mobile devices.
- FDA Retail Food Protection web links

The FDA Retail Food Protection main navigation page*: <http://www.fda.gov/RetailFoodProtection>

The FDA Food Code: <http://www.fda.gov/FoodCode>

FDA Food Employee training materials (posters and videos):

<http://www.fda.gov/foodemployeetraining>

FDA Voluntary National Retail Food Regulatory Program Standards

<http://www.fda.gov/retailprogramstandards>

FDA Web Site List Serv subscription:

The FDA Retail Food Protection main navigation page*: <http://www.fda.gov/RetailFoodProtection>

Regional Food Protection Seminars

CFP members and all interested in Food Safety are encouraged to attend the annual Food Protection Seminars held throughout the nation in 2019. Much of the agendas for these seminars address topics that are important to the mission and activities of the Conference for Food Protection.

2019 Retail Food Seminars

Southwest Region

Location: Salt Lake City, UT

Dates: August 19-21, 2019

FDA Point of Contact: Tracynda Davis Tracynda.Davis@fda.hhs.gov

Central Region

Location: Washington D.C.

Dates: August 27-29, 2019

FDA Point of Contact: Kenya Moon Kenya.Moon@fda.hhs.gov

Pacific Region

Location: Mesa, AZ

Dates: September 10-12, 2019

FDA Point of Contact: Mario Seminara Mario.Seminara@fda.hhs.gov

Northeast Region

Location: Portsmouth, NH

Dates: September 18-20, 2019

FDA Point of Contact: Al Pistorio Alfred.Pistorio@fda.hhs.gov

Southeast Region

Location: Memphis, TN

Dates: October 7-10, 2019

FDA Point of Contact: Dan Redditt Joseph.Redditt@fda.hhs.gov

Respectfully submitted to the CFP Executive Board by Glenda R. Lewis, CFSAN, on August 14, 2019