

Item 4.8.1

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

September 1-2, 2020 – Virtual Meeting

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FDA Agency Updates

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

<https://www.fda.gov/food/new-era-smarter-food-safety>

On July 13, 2020, FDA Commissioner Stephen Hahn announced the New Era of Smarter Food Safety Blueprint (<https://www.fda.gov/food/new-era-smarter-food-safety/new-era-smarter-food-safety-blueprint>). This blueprint outlines the approach FDA will take over the next decade to usher in the New Era of Smarter Food Safety and is centered around four core elements:

1. Tech-enabled Traceability
2. Smarter Tools and Approaches for Prevention and Outbreak Response
3. New Business Models and Retail Modernization
4. Food Safety Culture

FSMA Traceability Rule Update

FDA intends to send the proposed rule and high-risk list to the Office of the Federal Register for publication by September 8, 2020 and there are 3 virtual Public meetings being planned. We intend to release a number of communications materials with the proposed rule, much like we did with the other FSMA rules, and everything will be announced via the retail listserv as well as CFSAN’s constituent updates.

This is the link to FSMA Section 204 Enhancing Tracking and Tracing of Food and Record Keeping:

<https://www.fda.gov/food/food-safety-modernization-act-fsma/full-text-food-safety-modernization-act-fsma#SEC204>.

Consumer Food Purchase Card/Shopper Card

The CFP will be addressing several Issues on consumer food purchase cards/shopper cards as a tool in outbreak response. The topic remains active across agencies with complimentary initiatives ongoing that FDA stays connected to. FDA continues to work with CDC-USDA-CIFOR on this topic and are working to ensure complimentary efforts.

FDA Retail Program Updates

Retail Food Safety Regulatory Association Collaborative

FDA continues its participation with CFP, AFDO, NACCHO, and NEHA and working with David Lawrence, CFP Chair, and Brenda Bacon, CFP Vice-Chair participating on behalf of CFP. FDA is working with the Collaborative to develop tools to promote adoption and implementation of the Food Code in three areas: development of a Toolkit for adoption; Implementation tool box, and sustainability.

COVID-19 Impact and Response

FDA Retail Program work continued with both CFSAN and ORA retail staff carrying a full workload. The scope of response ranged from issuance of responses to inquiries, development of guidance and field operations response to meet the needs of regulatory partners.

CFSAN's Retail Food Protection Staff:

- Responded to 34% of the Food and Cosmetic Information Center COVID-19 retail-related questions;
- Developed COVID-19 guidance and resources for stakeholders including:
 - [Best Practices for Retail Food Stores, Restaurants, and Food Pick-Up/Delivery Services During the COVID-19 Pandemic](#) (April 2020)
 - [Best Practices for Re-Opening Retail Food Establishments During the COVID-19 Pandemic - Food Safety Checklist](#) (May 2020)

ORA staff have maintained field operations as follows:

- Although Office of State Cooperative Programs (OSCP) Retail Food Specialists are not currently in the field, they continue to carry a full workload and work with all their jurisdictions as usual. Among other things, specialists continue to participate in OTED virtual training courses, provide Program Standards and Food Code support, host and/or participate in virtual trainings, webinars and meetings, participate on and complete workgroup activities, serve on multiple JAGS, and assist their SLTT partners with retail technical issues.
- OSCP has one Retail Food Specialist currently at the Republican National Convention, serving in the key role of Operations Sections Chief. Additionally, staff are virtually working the event, one representing the agency in the MACC and one serving as Safety Officer. OSCP has the responsibility for retail food safety and defense at these events. Prior to the event, FDA's OSCP developed and provided food safety training to regulators and operators.
- During the pandemic OSCP was still able to hire 5 new Retail Food Specialists. One started in Kansas City on Aug 17th. Three others start in September 2020 and one will on board in November 2020.

Status of the 2021 Food Code and the 2021 Retail Program Standards manual due to COVID-19:

The 2021 Food Code will be delayed due to the move to an April 2021 CFP meeting. FDA is still reviewing the full impact of the subsequent ripple effect for the overall Food Code release cycle. At this time, it is anticipated that the 2021 Food Code will issue in 2022 and the Supplement to the Food Code will issue in 2024.

A similar ripple effect stands for the Retail Program Standards as well. Depending on the recommended changes from the CFP meeting in 2021, FDA anticipates the Retail Program Standards staying on the 2021 release date following the April 2021 CFP meeting, pending meeting outcomes.

Voluntary National Retail Food Regulatory Program Standards

COVID-19 impacts

FDA understands the urgency of the work food regulatory agencies are doing to protect public health related to the coronavirus pandemic and its impact on other program areas. FDA also recognizes the need for new flexibilities associated with meeting the Voluntary National Retail Food Regulatory Program Standards (Retail Program Standards) criteria timeframes due to COVID-19. FDA will work with jurisdictions on a case-by-case basis and jurisdictions should contact their Retail Food Specialist if they would like to discuss the timeframes associated with participation in the Retail Program Standards or have any questions or issues related to a jurisdiction's continuous improvement progress or milestones. For questions related to Program Standard funding, received either through an FDA Cooperative Agreement or a grant from AFDO or NACCHO, contact the grant administrator directly.

Link to Retail Food Specialists: <https://www.fda.gov/food/voluntary-national-retail-food-regulatory-program-standards/directory-fda-retail-food-specialists>

The Retail Food Specialists will be documenting all requests/allowances for extensions in our PSSCAF database.

Program Standards questions specific to funding should be directed to the grant administrator directly.

2020 Retail Program Standards Grant Program

The fourth cohort of the Retail Standards Cooperative Agreement opened for application in the spring of 2020. Thirty-nine applications were approved for grant funding. The grant work started the first week of July. Funding is for one year and up to \$70,000.

The Retail Food Safety Association Collaborative Cooperative Agreement opened for application in the spring of 2020. Three applications were approved for grant funding. The grant work has started, and the two-year program allows up to \$750,000 annually per awardee. The cooperative agreement works to advance a variety of long-term objectives of the national retail program.

The Retail Flexible Funding Model (RFFM) has been approved for use. The Office of Partnership hopes to open applications for a cooperative agreement with an association(s) to assist with the RFFM. Once the grant has been issued to an association(s), we will establish an open application period for enrolled jurisdictions to apply. We expect enrolled jurisdictions will apply for RFFM funding in the Fall of 2021.

Retail Program Standards Mentorship Program

The National Association of County and City Health officials (NACCHO) and the FDA are in the ninth 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. **Cohort 9 in 2019-2020 consists of 36 participants, including 12 mentors and 24 mentees** from across the nation (up from 23 in the 8th cohort). Also note the 2020 Crumline Award Winner, Southern Nevada Health District, NV, is a program mentor to 2 county health departments.

NACCHO held the **Retail Program Standards Mentorship Program End of the Year Meeting on August 11-12, 2020** for all participants to report on progress and share experiences was held via Zoom Virtual Meeting. Throughout the program year, resources and tools developed by program participants were shared with other regulatory programs and a “sharing session” webinar on a retail food topic is scheduled and made available to all jurisdictions on the NACCHO web site. Webinars in 2019-2020 were on the Retail Risk Factor Study and Sustaining Momentum in the Retail Program Standards.

For more information on the Mentorship Program, Retail Program Standards and the NACCHO-FDA Cooperative agreement, 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

Two recent scientific publications by FDA staff: *Retail Food*. [For a full listing of recent scientific publications by FDA staff, please visit

https://www.accessdata.fda.gov/scripts/publications/more.cfm?center=CFSAN¢er_name=Food]

1. **Assessing Employee Health Policies for Reporting and Excluding Ill Food Employees in Restaurants within the United States** - Journal of Food Protection
https://www.accessdata.fda.gov/scripts/publications/search_result_record.cfm?id=66509
2. **A Matter of Time: Exploring Variation in FDA Food Code Adoption Among State Retail Food Regulatory Agencies** - Journal of Environmental Health (FRONT COVER of the September 2020 issue)
<https://www.neha.org/node/61484>



Education and Outreach

- FDA's Office of State Cooperative Programs and NEHA successfully partnered and presented the virtual collaboration of NEHA's Digital Defense Conference and FDA's 2020 Retail Food Safety Seminars. NEHA hosted the free two-day event on their website on August 18-19th. The event is replacing FDA's annual Retail Food Protection Seminars for 2020 and "attending" the Conference meets the Retail Food Safety Inspection Officer's standardization maintenance requirement of attending an annual Retail Food Safety Seminar. The Office of Partnerships (OP), Center for Food Safety and Applied Nutrition (CFSAN), Office of Training, Education and Development (OTED) and the Office of State Cooperative Programs (OSCP) provided retail food updates. Approximately 1100 individuals registered for the event. NEHA will be issuing 12 Contact hours to all those who attend the conference. The Conference was videotaped and will be available on NEHA's website for at least six months.

- ***Decoding the Food Code On-line Training Module – now with voice over!***

FDA first announced the launch of this training module to the CFP Board in its Fall 2019 FDA Report to the Board. With this report, FDA announces CFSAN Retail Food Policy Team's update to the *Decoding the Food Code: Information to Assist the User* that adds voice over to the modules. This allows greater interactive response and adds an introduction from Mark Moorman, the Director of CFSAN's Office of Food Safety at FDA.

This training module is designed to help stakeholders, including all levels of government and industry, understand the structure, nomenclature, and conventions of the Food Code. It 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.

- ***Coming soon! Employee Health and Personal Hygiene Handbook, 2020 version.*** The document has been updated to the 2017 Food Code and has been cleared for posting on the web and to have in print format.

FDA Web Site List Serv subscription is at the FDA Retail Food Protection main navigation page:

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

Respectfully submitted to the CFP Executive Board by Glenda R. Lewis, FDA/CFSAN, at its meeting on September 1-2, 2020