

CFP Executive Board Meeting – August 26-27, 2005

College Park, Maryland

8:00 am – 5:00 pm

FDA Report

This is a report to the Conference for Food Protection's (CFP) Executive Board concerning recent activities of the Food and Drug Administration (FDA) of interest to the CFP.

Administrative changes:

- The Retail Food Protection Team (RFPT) within the Office of Compliance, Division of Cooperative Programs, will be adding a new hire to its staff in the coming months.
- Dr. Arthur Miller retired from FDA this summer and moved to an industry job appointment. He served as our Council III consultant and we will identify all FDA consultants in the October report back to the Conference.

1. Food Code 2005

FDA expects to post the 2005 Food Code on the CFSAN web site in September 2005.

The web release will be followed by a hardcopy release at a later date. A press release and Q & A's will accompany the release of the 2005 Food Code. Summary of Changes for the 2005 Food Code will also be available. We are pleased to report that we addressed each of the 43 CFP recommendations during the revision and update process. We are open to discussing any of the actions taken in response to the CFP recommendations for amending the 2005 Food Code.

2. CFSAN UPDATE

A. Release of FDA draft HACCP manuals in July

The Food and Drug Administration (FDA) announced the availability of two draft manuals entitled "Managing Food Safety: A Manual for the Voluntary Use of HACCP Principles for Operators of Food Service and Retail Establishments" (the "Operator's Manual") and "Managing Food Safety: A Regulator's Manual for Applying HACCP Principles to Risk-Based Retail and Food Service Inspections and Evaluating Voluntary Food Safety Management Systems" (the "Regulator's Manual"). The Operator's Manual presents FDA's best advice to retail and foodservice operators for voluntarily implementing food safety management systems based on hazard analysis and critical control point (HACCP) principles to reduce the occurrence of foodborne illness risk factors. The Regulator's Manual is intended to assist state, local, and tribal regulatory authorities in identifying and assessing control of foodborne illness risk factors during routine inspections of retail and foodservice establishments by providing a risk-based inspection methodology. Submit written or electronic comments concerning the draft manuals and their recommendations for collection of information by September 19, 2005.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of

the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

B. Program Standards Update

Current enrollment in the Program Standards is at 179 jurisdictions.

The Paperwork Reduction Act (PRA) Notice for the Program Standards has received FDA legal counsel review and comment and is currently being finalized. Once final, the PRA Notice will be published in the Federal Register.

C. School Food Safety Update

- **New USDA Food Safety Requirements for the National School Lunch Program (NSLP) Child Nutrition and WIC Reauthorization Act of 2004.**

The Child Nutrition and WIC Reauthorization Act of 2004 (P.L.108-265, Section 111), requires both expanded and new food safety activities for schools.

- Web link for P.L.108-265: <http://www.fns.usda.gov/cnd/Governance/nslp-legislation.htm>

Section 111 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) amended section 9(h) of the Richard B. Russell National School Lunch Act by requiring school food authorities (SFAs) in the National School Lunch Program and the National School Breakfast Program, to implement a food safety program for the preparation and service of school meals served to children in the school year beginning July 1, 2005. The main points of the provisions are summarized below.

- Web link for school food safety: <http://www.fns.usda.gov/cnd/Guidance/>

Food Safety Inspections

- ✓ 2 required per year
- ✓ inspections must be conducted by a “state or local governmental agency responsible for food safety inspections”
- ✓ schools must post inspection reports and make them available to the public
- ✓ State or local governments allowed to adopt stricter requirements
- ✓ State Agencies must provide annual reports to USDA on the number of inspections per school per year. The reports will be based on information supplied by the school districts, not by food safety regulators.

The program must be based on Hazard Analysis and Critical Control Point (HACCP) principles and conform to guidance issued by the Department of Agriculture (USDA). All SFAs must have a fully implemented food safety program that complies with HACCP principles or with this optional guidance no later than the end of the 2005 – 2006 school year

- Web link for *Guidance for School Food Authorities for Developing a School Food Safety Program Based on the Process Approach to HACCP Principles*:
<http://www.fns.usda.gov/cnd/Lunch/Downloadable/HACCPGuidance.pdf>

Questions and Answers

The State Agency that administers the NSLP has the responsibility for verifying compliance with the food safety provisions. Further explanation and/or clarification can be found in Questions & Answers provided on the USDA Food and Nutrition Service website.

- Web link for Questions & Answers:
<http://www.fns.usda.gov/cnd/Food-Safety/FoodSafety.pdf>

On June 15, USDA published an interim rule on food safety inspections in the Federal Register that puts the regulatory changes into place immediately, while requesting public comments. The public is encouraged to comment during the one year comment period.

- Web link to Federal Register Notice on inspections:
<http://www.fns.usda.gov/cnd/Food-Safety/2005-06-15.pdf>

As a result of the statutory amendments, schools will be able to identify and correct food safety problems in a more timely and consistent manner, thereby enhancing the quality of school meals. State monitoring of the inspection requirement will allow the State agency to target their technical assistance efforts to those SFAs experiencing difficulties in meeting the requirement. Collecting the number of inspections completed by schools will help the State become aware of the level of compliance with this requirement and problems associated with it.

- ***Food-Safe Schools Action Guide*** released by the National Coalition of Food-Safe Schools

The **National Coalition for Food-Safe Schools** (NCFSS) is an alliance of representatives from a variety of renowned national organizations, professional associations, and government agencies that have interest or active involvement in reducing foodborne illness in the U.S. by improving food safety in schools. NCFSS is a voluntary and informal working group that focuses specifically on improving food safety in U.S. schools through information sharing, networking, and strategic planning of activities.

NCFSS created this Web site to serve as a one-stop gateway to a wealth of Internet-based school food safety information and resources, providing information for children, parents, educators, school nurses, administrators, local health departments, and school food service staff. Links to many of the 35+ member organizations as well as to other sites containing food safety materials and resources are also featured.

FDA-CFSAN has been a part of the Coalition from its inception through RFPT and the Consumer Education and Outreach Staff (even though the FDA logo is not included. FDA is included under the DHHS logo).

What is the Food-Safe Schools Action Guide?

The Food-Safe Schools Action Guide is a multifaceted implementation tool comprised of a variety of products specially designed to help school staff in their efforts to make their school food-safe. The Food-Safe Schools Action Guide can help schools identify gaps in food safety and develop an action plan for becoming food-safe. **The Food-Safe Schools Action Guide is available in two formats:**

1. **The Food-Safe Schools Action Guide *Toolkit*** is the hardcopy version of the Action Guide. The Toolkit comes in a durable container which includes:
 - o How-to Guide booklet
 - o The How to Become a Food-Safe School video in both VHS and DVD formats
 - o Motivational PowerPoint® Presentation Script
 - o Administrator's Briefing
 - o A Needs Assessment and Planning Guide
 - o Action Sheets for Action Team Members
 - o Additional useful resources from NCFSS partners

The *Toolkit* helps to guide schools in becoming "food safe" through the development of an action team (Administrator, teachers, school nurse, foodservice manager and staff, local health department, cooperative extension, families and student. A needs assessment is carried out to assess the current status of the school in regards to food safety. The team then works together to improve in areas where work is needed.

The Food-Safe Schools Action Guide Tool Kit and a wealth of other food safety resources and information have been brought together in one convenient Web site, www.FoodSafeSchools.org, where they are available for everyone.

The Food-Safe Schools Action Guide Toolkit premiered in June 2005, in limited quantities. If you are interested in receiving Toolkit copies from the initial printing, or placing your name on the waiting list for copies when additional Toolkits are available, please do so by clicking on the [Request the Action Guide Toolkit](#) link located on this website. Additional print runs may occur depending on available funds.

2. **The Food-Safe Schools *Action Guide*** consists of all of the items found within the Toolkit in downloadable format from this website, along with additional resources not yet included in the hardcopy Toolkit version. www.foodsafeschools is your one-stop resource for preventing foodborne illness and is the key source for accessing Food-Safe Schools Action Guide additions, updates and supplemental resources.

D. **Assistance to China for the Beijing Olympics**

The Beijing Food Safety Administration asked FDA to name 2 individuals to its Food Safety Expert Committee for the 2008 Beijing Olympics. The first meeting was held in Beijing from July 3-8, 2005. The Committee asked for help in developing its Food Safety and Food Defense Plan for the Olympics. The Committee included several people from Australia, Geneva, Switzerland from WHO and 2 from FDA (Paul Teitell from Denver District and Shirley Bohm, RFPT) as well as a person who had been with the Atlanta Police Dept., and is now a private consultant.) The Committee will meet again in Beijing next spring and we will continue to work on the plan by e-mail in the interim.

E. **Bulletin regarding "cake batter" ice cream.**

On August 9, 2005 (and updated August 19, 2005) FDA posted a notice on its web site informing the retail and food service industries that incorporating an ingredient that is intended to be cooked into a ready-to-eat food that will not be cooked or otherwise treated to eliminate microorganisms of public health concern can pose a serious food safety risk. A recent multi-state outbreak of *Salmonella* Typhimurium has been associated with consumption of "cake batter" ice cream.

FDA alerted the industry that *Salmonella* is known to occasionally be present in flour and other ingredients that may be listed on the dry cake mix label.

For these reasons, FDA is asking food service operations to review their menus for these types of products and to either work with their suppliers to ensure all ingredients are intended to be ready-to-eat or to process their final products to eliminate microorganisms of public health concern. Also, routine precautionary measures should also be taken to prevent cross-contamination from raw products and surfaces that have not been adequately cleaned and sanitized.

The Bulletin can be found at <http://www.cfsan.fda.gov/~ear/ret-batt.html>

3. Other Discussion Items

A. CFSAN requests that the CFP Executive Board further discuss and provide an update for the following items.

Issue 2004-I-030 Unsanitary Handling of Drinking Water Coolers

The CFP recommends that the FDA work with all stakeholders to develop and distribute guidelines for the handling of drinking water coolers. We would appreciate the Board's input to identify specific stakeholders and a mechanism to address this issue.

Issue 2004-I-011 Designation of Food Code Provisions as Critical and Non-Critical

Issues 2004-I-011 and 2004-III-015 will have a dramatic impact on the Food Code and we look forward to working with the CFP to make the needed changes. The challenge is to resolve recommendations from both Issues that appear to overlap. Issue 2004-III-15 establishes a CFP committee to study the issue of critical items and public health risk and provide recommendations to the 2006 conference. Similarly, Issue 2004-I-011 requests that the FDA work with all stakeholders and the Conference to redesignate FDA Food Code provisions in terms of the risk factors and public health interventions. Please clarify the intent of these recommendations.

To date, an internal FDA work group has been established and the work group has developed a process based on risk assessment, for evaluating the criticality of each Code provision. It is undecided if the internal work group will complete its charge in time for 2006 Issue submission. Status of the work group's efforts and its work with the CFP Critical Items Committee will be provided in the October Report to the Conference.

B. *Impact of the risk assessment on the policy decisions on the retail and food service program*

The Quantitative Assessment of the Relative Risk to Public Health from Foodborne *Listeria monocytogenes* Among Selected Categories of Ready-to-Eat Foods (risk assessment) identified several broad factors that affect consumer exposure to *Lm* at the time of food consumption. The risk assessment included the development of 23 separate risk assessments and analysis of the relative risks of serious illness and death associated with consumption of 23 categories of ready-to-eat foods. These categories included: seafood, produce, meats, dairy products, and deli salads. In examining these closely, FDA showed that five factors are important in measuring the public health impact to consumers from foodborne listeriosis. These factors are: (1) amounts and frequency of consumption of a ready-to-eat food; (2) frequency and levels of *L. monocytogenes* in a ready-to-eat food; (3) potential of the food to support growth of the bacterium during refrigeration; (4) refrigerated storage temperature; and (5) duration of refrigerated storage before consumption. Based on the five factors, the 23 categories of ready-to-eat foods were ranked according to their relative risk of contamination and growth of *Listeria monocytogenes*. The risk categories used were: very high risk; high risk; moderate risk; low risk; and very low risk.

C. *Impact of the Listeria monocytogenes Risk Assessment on Cold Holding*

Two of these factors, refrigerated storage temperature and duration of refrigerated storage before consumption, have a direct bearing on cold holding time/temperature combinations used in food establishments. Data from the risk assessment show a significant reduction in the projected cases of listeriosis when refrigerated storage is limited to 41°F. Based on these data and conclusions from the risk assessment, FDA continues to recommend that food establishments limit the cold storage of potentially hazardous (time/temperature control for safety food), ready-to-eat foods to a maximum temperature of 41°F.

D. *Impact of the Listeria monocytogenes Risk Assessment on Date Marking*

Based on the results of the risk assessment and the recommendations from the 2004 Conference for Food Protection, it was necessary to re-evaluate date marking in an effort to focus the provision on very high and high risk foods, while at the same time, exempting foods that present a very low, or low risk of contamination and growth of *Listeria monocytogenes*. Based on this evaluation, date marking provisions of the Food Code do not apply to the following foods:

- Deli Salads Prepared and Packaged in a Food Processing Plant
- Hard and Semi-Soft Cheeses
- Cultured Dairy Products
- Preserved Fish Products

E. *Food Allergens*

The FDA consultant to the CFP Food Allergens Committee (Jon Woody) worked through/with the Committee Co-Chairs to keep the Committee members informed of the Food Allergen Labeling and Consumer Protection Act of 2004. An email was sent to the entire committee in late June discussing FALCPA and the Food Code and asking if the committee members would be willing to share their 'best practices' for allergen control with us.

- FDA received support from the committee.
- The National Restaurant Association has already collected and sent in some best practices from their members. The Food marketing Institute has volunteered to collect similar information from their members and we await this information.

The next step is to decide the involvement of the committee in the development of such a guidance document. We think the best approach is for FDA to use the information that has been submitted to generate a document and then get the review and concurrence of the Committee. This is the approach used when we developed the HACCP guides and I think it is a good one. We believe this would be the most expeditious process and one which would best utilize the expertise of the committee. I think this would probably require the Committee to be extended for another conference cycle in order to complete the review.

- The next logical steps are to:

- form internal FDA workgroup to draft the document
- send for FDA/CFSAN internal review and concurrence
- send to CFP Allergens Committee for their review

F. October Report to the Conference

The results of the CFP input and FDA's response to each of the recommendations will be included in the FDA Report to the Conference in October 2005. This report provides a response to the CFP's request that an update of FDA activities regarding the previous Conference recommendations be provided at least 6 months prior to the next CFP biennial meeting. The status report will address the 2004 CFP recommendations related to the FDA Food Code, other issues that recommend FDA's involvement, and will identify the FDA Council consultants.