



United States
Department of
Agriculture

Food Safety
and Inspection
Service

Washington, D.C.
20250

MAR 16 2007

Ms. Elizabeth A. Nutt, Chair
Conference for Food Protection
1085 Demo Avenue
Gilroy, California 95020-9026

Dear Ms. Nutt:

This is in response to the letter from the Conference for Food Protection (CFP) Chair dated May 2006 regarding five issues that the CFP 2006 recommended for the United States Department of Agriculture (USDA) to address. The CFP asked that the response be provided at least six months before the next CFP meeting, which is in April 2008.

In August 2006, USDA sent the CFP a letter acknowledging that USDA concurs with the CFP recommendations and will work toward resolution of implementation of the recommendations within a reasonable time. Enclosed are the USDA report that provides the Department's response to how we approached the five issues recommended by the Conference Chair in the CFP letter dated May 2006, and the document: FSIS Protocol for Working with States and Other Federal Agencies During a Foodborne Illness Investigation.

I look forward to continuing our cooperative relationship with the CFP to improve the regulatory process and food safety.

Sincerely,

A handwritten signature in black ink that reads "David P. Goldman". The signature is written in a cursive, flowing style.

David P. Goldman, M.D., M.P.H.
Acting Administrator

Enclosures

FSIS PROTOCOL FOR WORKING WITH STATES AND OTHER FEDERAL AGENCIES DURING A FOOTBORNE ILLNESS INVESTIGATION

1. The Centers for Disease Control and Prevention (CDC) or health department is contacted by healthcare providers, patients, local public health professionals, Food Safety and Inspection Service (FSIS), or other resources about a foodborne illness incident.

2. CDC or health department verifies the incident, and then contacts USDA/FSIS if the foodborne illness incident involves meat, poultry or egg product.

3. Foodborne illness information reported to FSIS is relayed to Office of Public Health Science (OPHS), FSIS. Additionally, FSIS laboratories perform Pulsed-Field Gel Electrophoresis (PFGE) analysis on product samples collected by FSIS for routine and investigatory purposes, and compare results to patterns in CDC's PulseNet database. If matches are found, the Human Health Sciences Division (HHS) of OPHS is notified to explore possible epidemiological links.

4. HHS collects information regarding the product involved, illness and the patients by contacting public health agencies with jurisdiction in the area where the foodborne illness incidents occurred. Additional information can also be gathered through the HHS Consumer Complaint Monitoring System (CCMS), which receives consumer complaints related to meat, poultry or egg products.

5. HHS Public Health and Epidemiology Liaisons talk to state and local public health agency representatives about case-patient information needed, as shown in Attachment 1. To facilitate communication among state and local agencies and FSIS, USDA, the contact information for the Public Health and Epidemiology Liaisons is included in Attachment 4. FSIS microbiologists review laboratory procedures used by public health laboratories that analyze FSIS-regulated products to determine if results are comparable to those derived by FSIS methods.

6. If supported, HHS, through the OPHS leadership, requests and coordinates the product traceback investigation with the Office of Field Operations (OFO), Office of the Assistant Administrator. HHS Public Health and Epidemiology Liaisons talk to state and local public health agency representatives about information needed for the product traceback investigation (Attachment 2).

HHS and FSIS staff members participate in the Council to Improve Foodborne Outbreak Response (CIFOR) co-chaired by the Council of State and Territorial Epidemiologists and National Association of County and City Health Officials. Participation in CIFOR, especially the working groups focused on multi-jurisdictional guidelines and overall guidelines, will help to clarify the role of

FSIS PROTOCOL FOR WORKING WITH STATES AND OTHER FEDERAL AGENCIES DURING A FOOTBORNE ILLNESS INVESTIGATION

1. The Centers for Disease Control and Prevention (CDC) or health department is contacted by healthcare providers, patients, local public health professionals, Food Safety and Inspection Service (FSIS), or other resources about a foodborne illness incident.

2. CDC or health department verifies the incident, and then contacts USDA/FSIS if the foodborne illness incident involves meat, poultry or egg product.

3. Foodborne illness information reported to FSIS is relayed to Office of Public Health Science (OPHS), FSIS. Additionally, FSIS laboratories perform Pulsed-Field Gel Electrophoresis (PFGE) analysis on product samples collected by FSIS for routine and investigatory purposes, and compare results to patterns in CDC's PulseNet database. If matches are found, the Human Health Sciences Division (HHS) of OPHS is notified to explore possible epidemiological links.

4. HHS collects information regarding the product involved, illness and the patients by contacting public health agencies with jurisdiction in the area where the foodborne illness incidents occurred. Additional information can also be gathered through the HHS Consumer Complaint Monitoring System (CCMS), which receives consumer complaints related to meat, poultry or egg products.

5. HHS Public Health and Epidemiology Liaisons talk to state and local public health agency representatives about case-patient information needed, as shown in Attachment 1. To facilitate communication among state and local agencies and FSIS, USDA, the contact information for the Public Health and Epidemiology Liaisons is included in Attachment 4. FSIS microbiologists review laboratory procedures used by public health laboratories that analyze FSIS-regulated products to determine if results are comparable to those derived by FSIS methods.

6. If supported, HHS, through the OPHS leadership, requests and coordinates the product traceback investigation with the Office of Field Operations (OFO), Office of the Assistant Administrator. HHS Public Health and Epidemiology Liaisons talk to state and local public health agency representatives about information needed for the product traceback investigation (Attachment 2).

HHS and FSIS staff members participate in the Council to Improve Foodborne Outbreak Response (CIFOR) co-chaired by the Council of State and Territorial Epidemiologists and National Association of County and City Health Officials. Participation in CIFOR, especially the working groups focused on multi-jurisdictional guidelines and overall guidelines, will help to clarify the role of

USDA Report to the Conference for Food Protection Executive Board

This report describes how the USDA has addressed the 2006 Conference for Food Protection recommendations sent to the USDA by the Conference Chair. The issues are listed below identified by the issue number and the issue title.

2006-I-005 Delays in Interagency Communication Jeopardize the Health of the Public

FSIS, USDA developed the document: "FSIS Protocol for Working with States and Other Federal Agencies During a Foodborne Illness Investigation" (in a separate attachment) to address the Issue. The document includes; 1) the stepwise process occurring at FSIS during a foodborne illness investigation that may lead to a recall; 2) the FSIS offices and staff members responsible for the process and their contact information to facilitate communication with state and local regulatory agencies, laboratories, food processors, and food service establishment operators; 3) information needed by FSIS on the case patients; 4) information for product traceback; and 5) the Memorandum of Understanding for sharing distribution lists with state agencies. We feel that this document will help in the communication between USDA and state and local regulatory agencies and other organizations involved during a foodborne illness investigation that may lead to a recall.

2006-I-006 USDA Mandate Requiring Additional Food Safety Inspections at Schools

The USDA Food and Nutrition Service (FNS) addressed the four points enumerated as part of the recommended solution for *Issue 2006-I-006, USDA Mandate Requiring Additional Food Safety Inspections at Schools*. This was included in the August 2006 letter to you from the FSIS Administrator. Their response is as follows:

CFP: Allow respective State or local agency responsible for protecting public health to assess risk of school inspections, allowing them to develop protocols and prioritize inspections of schools most in need.

FNS Response: Public Law 108-265 requires all schools participating in the National School Lunch Program and School Breakfast Program to obtain two food safety inspections per school year. USDA does not have authority to exempt any school from this obligation; however, the State or local agency responsible for the inspections should carry out this provision through its own protocols and requirements. This law does not obstruct the ability of the public health agencies to determine the timing, scope or other aspects of the food safety inspection.

CFP: Allow schools flexibility to develop individual managerial control plans.

FNS Response: The Reauthorization Act establishes two separate requirements to enhance school food safety. One is the requirement to obtain two food safety inspections per school year, and the other one is for the School Food Authority to establish a food safety program at each food preparation and service facility under its jurisdiction. Compliance with the inspection requirement does not exempt a school from implementing a school food safety program and vice

versa. The food safety program requirements established by USDA pursuant to Public Law 108-265 allow schools to implement food safety programs tailored to their needs.

CFP: Reconsider reporting requirement and determine its usefulness.

FNS Response: The Reauthorization Act requires the State Agencies (SAs) that administer the school meal programs to monitor school compliance with the inspection requirement and to report the results to USDA for each of fiscal years 2006 through 2009. The reporting requirement was designed to collect a minimal amount of information and will allow the Department and SAs to identify the school districts needing assistance to meet this requirement.

CFP: Provide funding to meet all requirements contained in the mandate.

FNS Response: The Reauthorization Act included a provision allowing funding for the National Food Service Management Institute to develop training and technical assistance programs to assist food service professionals with implementation of the food safety program. However, no funding was provided for implementation of the food safety inspection requirement.

2006-II-001 Adoption of Memorandum of Understanding Between the CFP and the USDA

The USDA's Food Safety and Inspection Service (FSIS) is pleased that the Memorandum of Understanding (MOU) between the CFP and FSIS was adopted by the Conference. We agree that a strong partnership on issues of food safety and food defense at the Federal, State, and local levels is important.

2006-II-041 Post of Emergency Guidance Document

The Agency has posted on its Web site a link to the CFP website's Emergency Guidance document developed by the CFP Emergency Preparedness and Response Committee. It is posted at:

www.fsis.usda.gov/Food_Defense_&_Emergency_Response/Security_Guidelines/index.asp

2006-III-024 Inconsistency in Sanitizer Concentrations Information from EPA and FDA

FSIS appreciates the opportunity to participate in the 2006-08 CFP Sanitizer Committee, and has provided two staff members from the Agency's Office of Policy, Program, and Employee Development to represent the Department of Agriculture.

In addition to the issues recommended by the CFP for USDA to respond to, FSIS has played an active role with a FSIS staff member co-chairing the CFP Blade Tenderized Committee that was created as a result of the 2006 CFP recommendations to review the "Guidelines on Blade Tenderized Beef for Restaurants and Retail Food Establishments" and possible changes to the Food Code. This guidance document which was developed by FSIS in consultation with FDA was submitted and presented as *CFP 2006-III-015- Provide guidance to retail establishments and restaurants on the handling of beef that has been blade tenderized*, based on the 2004 CFP recommendations.

FSIS in foodborne disease investigations and address the concerns of public health partners.

7. HHSD sends additional information to OFO. If traceback investigation and additional information are sufficient to link a foodborne illness to a specific meat or poultry product that is in commerce, the Recall Management Staff (RMS) is notified. If evidence is insufficient for a recall, FSIS may still issue a public health alert.
8. The RMS convenes the FSIS Recall Committee to evaluate the information and determine the need for a voluntary recall action of the affected products.
9. If a voluntary recall is recommended, the RMS contacts the firm (manufacturer, distributor, or importer) and informs them of the recommendation. If the firm agrees, the firm initiates the recall and FSIS oversees the recall to ensure it is carried out effectively. FSIS also issues a press release, which clearly describes the product being recalled, provides instructions on what to do with the product if people identify it in their possession, and provides general information about the product's destination. If the firm disagrees, FSIS initiates a detention action of the affected products that are available in commerce and issues an advisory Public Health Alert to inform the public of the possible adverse health consequences if the product is consumed.
10. The District Recall Officer (DRO) obtains distribution lists for the implicated product(s) in preparation for conducting random recall effectiveness checks at points of distribution to ensure successful recall efforts and proper disposition of affected products by the recalling firm. FSIS shares distribution information with states having a Memorandum of Understanding (MOU) with FSIS for the purpose of conducting recall effectiveness checks. Such information is subject to the non-disclosure conditions stated in Attachment 3.
11. The RMS closes a recall action upon successful completion of the firm's recall action, i.e. the firm made all efforts to retrieve affected products from commerce. Prior to closing recalls involving illness and outbreaks, the RMS consults with the HHSD, OPHS, to obtain information about whether any current illnesses are associated with the recalled products. If data indicates that illnesses continue to occur because product remains in commerce, the recall case remains open. The RMS may request that the firm expand the recall if evidence indicates that additional products are causing illness.
12. Communication with local, state/territorial, and federal agencies continues even when there is no active recall. These communications build bridges and develop standard procedures for both investigating foodborne illness outbreaks as well as preventing them. FSIS communicates with these partners whenever foodborne illness might implicate meat, poultry, or egg products and stays at the table until the source of the illness is identified or meat, poultry, and egg products are no

longer suspect. The Agency, led by OPHS, holds quarterly meetings (conference calls) with state and local public health officials in an effort to increase regular communication and share information about food safety and public health topics of mutual interest.

ATTACHMENT 1
Case-Patient Information

HHSD needs information linking potential food exposures to disease so FSIS can make determinations which may lead to regulatory actions. While needs vary with each investigation, the type of information FSIS routinely needs to make these determinations includes:

Clinical Information

- Illness onset date
- Illness incubation period
- Symptoms
- Number of suspect and confirmed cases
- Number of cases hospitalized, number of deaths (if any)

Laboratory Information

- Cultures, PFGE results, sample collection techniques or other tests of clinical and food specimens

Exposure Information

- Food consumption history around time of illness
- Food preparation review
- Other possible sources of exposure

ATTACHMENT 2

Product Traceback Investigation Information

FSIS can assist public health partners in traceback of product thought to be associated with foodborne disease. In order to trace a product back to the producing establishment, FSIS needs specific information. While this information may not always be available, FSIS can best work with its public health partners when product information is as complete as possible. Information that will aid in product traceback includes:

Suspect Product Information

- FSIS establishment number, e.g. inside USDA mark of inspection
- Product name and type, e.g. "90 percent lean ground beef"
- Product weight and units per case
- Amount of product purchased
- Production date code or lot number
- Sell by/use by date
- Purchase date
- Point of purchase, including name and complete address
- Copy/picture of the package labeling

Questions on Suspect Product

- Does the consumer have purchase receipts or other purchase information, e.g. club card to help identify the source?
- Chain of custody of the suspect food item(s). How and who handled and prepared the food?
- Availability of like product. Is there any left over product held by consumer? Are there other identical packages (open or intact) remaining in the consumer's possession?

ATTACHMENT 3
Memorandum of Understanding (MOU) for Sharing
Distribution Lists with State Agencies

FSIS has generally treated distribution lists obtained during recalls as confidential business information, protected by exemption 4 of the Freedom of Information Act (FOIA (5 U.S.C. 552 (b) (4))) from mandatory public disclosure. In 2002, however, FSIS promulgated regulations defining the circumstances and criteria under which it would share product distribution and customer lists with State and other Federal agencies (57 FR 20009, April 24, 2002). FSIS will disclose this information to States and other Federal Agencies to enable them to verify the removal of the recalled products from commerce, provided that the State or Federal agency has given to FSIS:

- 1) A written statement establishing its authority to protect confidential distribution lists from public disclosure, and
- 2) A written commitment not to disclose any information provided to it by FSIS without the written permission of the submitter of the information or written confirmation by FSIS that the information no longer has confidential status.

The State will use the provided distribution lists only for purposes of ensuring recall effectiveness and will work cooperatively with its FSIS District Office to assure efficient and effective use of their respective field resources to ensure recall effectiveness. In addition, the State agrees to provide timely information regarding the results of the State's recall effectiveness checks to the FSIS District Office.

The MOU allows for more effective and timely verification that recalled products are removed from commerce. It also enhances cooperation and improves communication among food safety and public health agencies. States that have the MOU with FSIS will receive the distribution list based on the conditions in the MOU.

ATTACHMENT 4
Contact Information

Human Health Sciences Division, Office of Public Health Science

Elisabeth Hagen, MD, Director, Human Health Sciences Division
Phone: 202-690-6045 FAX: 202-690-6414

Scott Seys, MPH, Chief, Foodborne Disease Investigations Branch
Phone: 402-344-5160 FAX: 402-344-5166

Public Health and Epidemiology Liaisons for Public Health Agencies East of the
Mississippi
Phone: 1-866-818-6747 FAX: 402-562-5934

Wu San Chen, MD, MPH
Bonnie Kissler, MPH

Public Health and Epidemiology Liaisons for Public Health Agencies West of the
Mississippi
Phone: 1-866-818-6747 FAX: 402-344-5166

Tim Ihry, DVM, MSA, DACVPM
Rosemary Turner, DVM, MPH
Patsy White, DVM, MPVM

Recall Management Staff, Office of Field Operations

Phone: 202-690-6839
FAX: 202-690-6388

District Office contact information may be found at:
http://www.fsis.usda.gov/Contact_Us/Office_Locations_&Phone_Numbers/index.asp