FDA Report to CFP Executive Board Meeting
August 26, 2009
Rosemont, IL

The following is a summary of the FDA report made by Kevin Smith to the Fall 2009 meeting of the Executive Board of the Conference for Food Protection and a description of recent FDA activities of interest to the CFP.

New Leadership and Personnel Changes at FDA

New FDA Commissioner is Dr. Margaret Hamburg and new Deputy Commissioner is Dr. Joshua Sharfstein. Both have extensive experience with local public health agencies hand have expressed commitment to enhancing FDA's food protection efforts. Dr. Mike Taylor was named Special Assistant to the Commissioner and is spearheading strategic initiatives in the food safety area. At CFSAN, Janice Oliver recently retired after 41years at FDA, most recently as Deputy Director of CFSAN. Ms. Oliver had been a strong supporter of CFP and attended CFP and delivered the FDA address on more than one occasion. Dr. Laura Tarantino, Director of CFSAN's Office of Food Additive Safety was named Acting CFSAN Deputy Director. Other new faces at CFSAN include three new Senior Advisors to the Director of the Office of Food Safety: Dr. Jenny Scott who comes to FDA from Grocery Manufacturer's Association; Dr. Jim Gorny, who comes from Cal-Davis and Kathy Gombas, who returned to FDA after several years with Dean Foods. In ORA, Joseph Reardon, formerly of NC Department of Agriculture was named Deputy Director in the Division of Federal-State Relations

2009 Food Code

The 2009 edition of the FDA Food Code is nearing completion but is not yet available for posting or distribution. Final clearance and formatting for web posting and printing was underway but a release is not anticipated until late September or October. FDA realizes stakeholders are eager to see the updates so that State/local code updates can proceed and training materials can be developed. All efforts are being made to expedite its release.

National Retail Food Regulatory Program Standards

The number of State, local and tribal jurisdictions that have enrolled and who have been using the Standards as a tool to improve their retail food inspection programs continues to rise. With over 350 enrollees working towards achieving program standards milestones, the initiative continues to garner attention of Federal, state and local agency leadership as we seek ways to improve the way we communicate and collaborate. Over the past 4 months, CFSAN made $350,000 available to promote program standards activity and to procure reports on progress in achieving program standards milestones.

FDA Foodborne Illness Risk Factor Reports

Due out this fall is the 2009 report titled *FDA Report on the Occurrence of Foodborne Ilness Risk Factors in Selected Institutional Foodservice, Restaurant, and Retail Food Store Facility Types.* The report is the third in a series of reports that reports on the compliance with key Food Code provisions as observed in 9 different facility types. Like the 200 and 2004 reports, the 2009 report will present the compliance data and make recommendations on areas in need of priority attention. In 2010, FDA will issue a

report that presents an analysis of trends in compliance observed over the three data collection periods. This is intended to provide stakeholders an indication of the impact that efforts over a 10-year period to improve food safety at retail and foodservice have had on Food Code compliance.

Allergen Manual for Retail & Foodservice
FDA continues to make progress on the development of a compendium of best practices for preventing unintended exposure to the major food allergens in foodservice and retail settings. This manual will be shared with the CFP Allergens Committee for comment and review and is intended to compliment recent efforts to incorporate allergen awareness and training provisions into the FDA Food Code.

Satellite Broadcast on Employee Health and Personal Hygiene
On November 19, 2009 FDA will present a satellite broadcast on the subject of preventing foodborne illness through effective employee health and personal hygiene interventions and strategies. Many public health, regulatory and industry partners around their country have and will continue to volunteer their time and energy to present some innovative approaches. An announcement of the program and how to access the satellite downlink will be coming out in October, both on FDA's website and through our email communications with federal, state and local partners.

Commodity Specific Guidance for Produce
On July 31, 2009 FDA published three draft guidances designed to help growers and others across the entire supply chain minimize or eliminate microbial contamination in tomatoes, leafy greens, and melons. The guidances are, in part, based on those originally developed by the produce industry with assistance from FDA. They represent the first step in a fundamental shift in strategy for the agency in the prevention of foodborne hazards associated with fresh fruits and vegetables. Comments are being sought over a 90-day period. More information is available at: http://www.fda. gov/Food/FoodSafety/Product-SpecificInformation/FruitsVegetablesJuices/FDAProduceSafetyActivities/ucm174086.htm

New Bottled Water Regulations

A Final Rule was announced May 29, 2009, with an effective date of December 1, that amends the FDA bottled water regulations to require that bottled water manufacturers test source water for total coliform, as is required for finished bottled water products, and to require, if any coliform organisms are detected in source water, that bottled water manufacturers determine whether any of the coliform organisms are Escherichia coli (E. coli), an indicator of fecal contamination. FDA also is amending its bottled water regulations to require, if any coliform organisms are detected in finished bottled water products, that bottled water manufacturers determine whether any of the coliform organisms are E. coli. FDA is also amending its bottled water regulations to require that, before a bottler can use source water from a source that has tested positive for E. coli, the bottler must take appropriate measures to rectify or eliminate the cause of E. coli contamination of that source. The Federal Register announcement is available at: http://edocket.access.gpo.gov/2009/E9-12494.htm

New Egg Safety Rule

On July 7, FDA announced a new Final Rule titled ***Prevention of Salmonella Enteritidis in Shell Eggs During Production, Storage, and Transportation.*** The regulation requires preventive measures during the production of eggs in poultry houses and requires subsequent refrigeration during storage and transportation. The rule requires that measures designed to prevent *Salmonella* Enteritidis be adopted by virtually all egg producers with 3,000 or more laying hens whose shell eggs are not processed with a treatment, such as pasteurization, to ensure their safety. More information and a link to the Rule is available at http://www.fda. gov/Food/FoodSafety/Product-SpecificInformation/EggSafety/EggSafetyActionPlan/ucm 170615.htm

Reportable Food Registry

The Food and Drug Administration Amendments Act of 2007 (Pub. L.110-085), section 1005 directed FDA to establish a Reportable Food Registry for Industry. To stand up on September 8, 2009, the Reportable Food Registry (RFR or the Registry) is an electronic portal for Industry to report when there is reasonable probability that an article of food will cause serious adverse health consequences. The Registry helps the FDA better protect public health by tracking patterns and targeting inspections. The RFR applies to all FDA-regulated categories of food and feed, except dietary supplements and infant formula. More information is available at http://www.fda. gov/Food/FoodSafety/FoodSafetyPrograms/RFR/default.htm#about

Modernization of Good Manufacturing Practices Regulations

There is a renewed effort underway at CFSAN to update the cGMP regulations (21CFR110) to improve there use in requiring effective preventive controls in food manufacturing facilities to address hazards associated with allergen control, sanitation and temperature control and others. Expect to see information coming forwarding 2010.

Legislative Activities

New pieces of legislation being debated in Congress. Among them, is the Food Safety Enhancements Act (FSEA) which contains components aimed at establishing a preventionfocused food safety system by requiring that, among other things, registered food facilities to have a food safety plan, and that FDA issue regulations to improve produce safety, import safety and traceability of foods. The bill also seeks to strengthen FDA's registration requirements and authorities in the areas of detention and recall of foods and assessment of penalties to noncompliant firms.

Partnership for Food Protection

FDA continues to engage its Federal, State, local and tribal partners through it Partnership for Food Protection initiative. The initiative is part of an effort to enhance the national food safety systems through development and better integration of inspection, laboratory, disease surveillance and emergency response capabilities at various levels of government. Improved information sharing and the use of information technology to improve collaboration and eliminate duplication are among its primary goals. A number of Work Groups have been formed, on which many CFP members serve.