

**Conference for Food Protection
Executive Board Meeting Council Report
COUNCIL II**

DATE OF REPORT: July 26, 2010

SUBMITTED BY: Chirag H. Bhatt, Council II Chair (2010-2012)

PROGRESS REPORT / COMMITTEE ACTIVITIES:

Please note: Committee charges are included in this report for your information and review only.

**Certification of Food Safety Regulatory Professionals
Susan Kendrick (State)
Ron Grimes (Industry) Pending Approval**

CHARGES:

1. Collaborate with the FDA Center for Food Safety and Applied Nutrition and the FDA Division of Human Resource Development to:

- Review all initiatives: existing, new or under development; involving the training, evaluation and/or certification of Food Safety Inspection Officers. This collaborative working relationship will ensure the sharing of information so as not to create any unnecessary redundancies in the creation of work product or assignment of tasks/responsibilities.
- Review and revise, as needed, Standard 2 classroom curriculum, time frame for completion of Steps 1 through 4 for new hires or staff newly assigned to the regulatory retail food protection program.
- Determine if the CFP Field Training Manual and forms have completely addressed all recommendations received as part of the 2007 Assessment of Training Needs (ATN) pilot project.

2. Eliminate the potential redundancy of multiple verification tools (*FDA Retail Food Level I Performance Audit and FDA Procedures for Standardization and Certification of Retail Food Inspection / Training Officers*) utilized by FDA programs, work in collaboration with FDA's Center for Food Safety and Applied Nutrition, FDA's National Retail Food Team and the FDA's Division of Human Resource Development to:

- Conduct a pilot project over the next year using the *FDA Retail Food Level I Performance Audit* with a limited and selected number of jurisdictions. The *FDA Performance Audit* will be piloted for use during the two joint inspections conducted as part of the quality assurance component of *Standard 4 - Uniform Inspection Program*. An outline of the pilot project objectives, protocol, and projected timeline is included
- as Attachment A with this Issue. The CFP CFSRP work group will submit a report to the 2012 Biennial Meeting that documents the result of the pilot project and any recommendations for the use of verification tools as part of the FDA Program Standards; and, *It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.*
- Conduct a joint assessment of *FDA Standardization Procedures* and *FDA Performance Audit* documents to determine if both verification tools are equally viable with distinct purposes and outcomes; and,
- Explore the feasibility of merging these existing verification tool documents and provide a plan for consolidation of such; and,
- Upon determination, assess the placement and administration of final verification tool(s) within the *FDA Program Standards* as appropriate, or separately as appropriate; and, With input and guidance from the CFSRP Work Group, FDA will determine if modifications to their draft *FDA Performance Audit and/or Standardization* documents are needed. Any modifications that would
- include changes to the Program Standards will be submitted as Issues by the CFP CFSRP Work Group to the 2012 Biennial Meeting.

3. Collaborate with FDA, other federal agencies, professional and industry associations to research what criteria is currently being used to assess the education and training qualifications of independent third party auditors that have been contracted to conduct institutional foodservice, restaurant, and retail food compliance inspections in lieu of a State/local/tribal regulatory retail food program. The re-created Work Group is to provide a report to the 2012 Biennial Meeting that:

- Assesses the number of jurisdictions and geographic areas where retail food compliance inspections are conducted by independent third party auditors in lieu of a regulatory compliance program;

- Delineates the reasons jurisdictions have moved to a third party auditor inspection compliance program;
- Summarizes criteria used to select third party auditors for inspection compliance oversight responsibilities including, but not limited to, education and training qualifications;
- Assesses and determines appropriate training and standardization processes/protocols for third party auditors, and
- Identifies any agencies/organizations/working groups currently addressing education and training standards for third party auditors conducting retail food compliance inspections.

Based on the above research, the work group will provide a recommendation to the Conference as to what actions/initiatives, if any, need to be undertaken to provide a national structure for ensuring that third party auditors possess the necessary knowledge, skills, and abilities to conduct retail food program compliance inspections.

4. Evaluate and determine the best approaches to promoting awareness and implementation of the national training model contained in the CFP Field Training Manual and forms, Appendix B-2, Standard 2. The Work Group will:

- Research the use of websites, list serves, newsletters, testimonials, presentations, and training workshops, etc.
- *It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.*
- Assess opportunities for enhancing the electronic versions of the CFP Field Training Manual and forms to minimize paperwork.

5. Report back to the 2012 Biennial Meeting its findings regarding the above charges.

Activity and Remarks

Email sent to CFP for Board approval on May 14, 2010. Approved.

Chair is seeking approval for a Co-Chair – RON GRIMES.

Nominee list for the Certification of Food Safety Regulation Professionals Work Group is attached. Chair contacted everyone via email and has included all of the names that confirmed that they would still be interested in participating on the 2010-2012 committee. Did not receive a response from Ernesto Nardone or Brian Turner so have not included them on the list (emailed each twice). Additionally, four organizations that had two members sign up so each organization was asked to choose a committee participant and an alternate (highlighted on the attached document). Waiting for approval.

The CFP CFSRP work group will begin to have conference calls as soon as the CFP Executive Board officially approves the work group co-chairs and members at their August Board meeting. In the interim, the Co-Chairs will draft an action plan and time line to address the charges it has been assigned for the work group's consideration. The pilot project to evaluate the FDA Performance Audit as part of the quality assurance component of Standard 4 (Uniform Inspection Program) has begun. Pilot project participants have been selected and an orientation conference call was held in June 2010 followed by a Q&A document distributed to all participants. Additionally, an outline of the pilot project objectives, protocol, and projected timeline has been prepared.

Food Protection Manager Certification

Joyce Jensen (Local)

Jeff Hawley (Industry)

CHARGES:

Food Protection Manager Certification Committee (FPMCC), a standing committee of the Conference is charged to:

1) Continue working with the CFP Executive Board and the American National Standards Institute (ANSI)-CFP Accreditation Committee (ACAC) to maintain the *Standards for Accreditation of Food Protection Manager Certification Programs* in an up-to-date format.

- request that ANSI and the Certification Providers will examine all options for resolving the exam security and independence issues as they pertain to trainers serving as test administrators and come to consensus with a suggested action plan as follows:
- By April of 2011, a recommended solution to be reviewed by the ANSI / Certification providers workgroup
- By June of 2011 the FPMCC, Certification Providers and ANSI have reached consensus on the recommended solutions
- The draft recommendations will be submitted to the Executive Board for their review at the August 2011 Board meeting
- Recommendations approved by the Executive Board will be submitted as an issue at the 2012 biennial meeting
- Pending Conference approval, the new requirements will be implemented no later than January of 2013.

2) Investigate if the *Standards for Accreditation of Food Protection Manager Certification Programs* should create more alignment with ISO (International Standards Organization) 17024 and propose changes if needed.

3) Determine how Committee membership vacancies and change of membership representation are addressed in the Committee bylaws and propose changes if needed.

4) Report back to the Executive Board and the 2012 Biennial Meeting of the Conference for Food Protection.

Activity and Remarks

Email sent to CFP for Board approval for Chair/Co-Chair via e-vote on May 14, 2010. Approved by board, Group meeting immediately after the EB meeting in Chicago.

Committee Membership

On June 18, 2010, Chair and Vice Chair were approved by CFP email vote. Committee Chair asked for and received email Board approval of the committee roster on July 12, 2010. In addition, Chair is requesting **approval of the following member** as a consultant to the Committee:

LeAnn Chuboff, Food Marketing Institute
2345 Crystal Drive, Suite 800, Arlington, VA 22202
(202) 262-6697 lchuboff@fmi.org

CFP ACAC Representative

There was some interest indicated by CFP Board members to have a more appropriate level of Board ownership of the Standard and its use. I appreciate that the FPMCC and the *Standards for Accreditation of Food Protection Manager Certification Programs* (Standards) are important to the CFP.

The ANSI-CFP Accreditation Committee (ACAC) was created as the vehicle with which to implement the agreement with ANSI, and is responsible for accrediting personnel certification bodies that certify food protection managers, specifically:

- determining final decisions on accreditation matters;
- creating and maintaining operational policies and procedures for the ANSI-CFP program;
- assuring that necessary due process and public notice procedures are met;
- marketing the program to promote understanding, recognition and acceptance of the program;
- and

- receiving first-level appeal relating to accreditation decisions.

The FPMCC discusses and makes recommendations for Standard management, but it is the CFP Board and CFP Issues that make revisions to the Standards. ANSI does not revise the Standards and does not vote on the committee, but it evaluates compliance by the certification bodies to the Standards and provide input to the FPMCC. The current certification bodies have only three of 29 votes on the FPMCC but are definitely critical stakeholders that provide important input on any proposals relative to the Standards management.

Although the Chair reports at every CFP Board meeting, I believe that the CFP Board should consider appointing one of the CFP ACAC members as an ex officio member to also report to the CPF Board. I believe that having additional input provided by one of the ACAC members, would provide more direct information to the Board, and may help establish a greater level of ownership by the Board. I would recommend that person be **Lee Cornman** from Florida Department of Agriculture & Consumer Services.

Appointment of the Second CFP ACAC Member

FPMCC Vice Chair Jeff Hawley and I worked diligently talking to potential individuals at the CFP Biennial meeting to find a nominee to serve as the second ACAC member. The Committee had recommended former committee member Tim Weigner, currently with FDA, to serve on the ACAC. FDA has been reluctant to have someone from FDA serve on ACAC as it may not consistent with the MOU FDA has with CFP.

The ACAC is responsible for reviewing the accreditation assessors' reports on the Food Protection Manager Certification programs for compliance to the Standards in a very objective manner. The ACAC does not vote on changes to the Standards. They can make recommendations to the FPMCC, usually through Dr. Swift, for clarifications or gaps in the Standards that need to be addressed. The FPMCC would decide what revisions would be warranted and submit as an Issue. The ACAC member, if from FDA, would not replace the important role that the FDA consultant (Laurie Williams) serves on the FPMCC. Although the ACAC members are copied on all FPMCC communication, they are not voting members of the FPMCC. It is important that there are no ties between the ACAC member and the certification providers.

Dr. Swift has indicated that ANSI does not believe that there would a conflict of interest in FDA having a person serve on the ACAC, even with other FDA relationships with ANSI on other Standards or programs. ANSI has several Federal regulatory members that serve on these types of committees. In fact there is an OMB Circular No. A – 119, Paragraph 7, that directs the US government agencies to use and participate in voluntary consensus standards. I ask that the **CFP Board request FDA reconsider and allow Tim Weigner to serve on ACAC.**

Revised Standards and Bylaws

Following the 2010 CFP Biennial meeting in Rhode Island, the Chair made the revisions to the Food Protection Manager Certification Standards and the FPMCC Bylaws as approved at the CFP. These documents have been forwarded to CFP Executive Assistant Elyse Wright **to post on the CFP Website.**

Establish and Begin Process with ANSI/Certification Providers Workgroup

Knowing that we had a timeline in our charge, Vice-Chair Hawley and I had our first conference call with the ANSI/Certification Providers Workgroup on May 13, 2010. Jeff Hawley agreed to chair this workgroup. During this call there was consensus to request that John Marcello serve as facilitator for this work group to meet its responsibility. Jeff Hawley then contacted John Marcello who agreed to act as facilitator.

On June 30, 2010, the ANSI/Certification Providers Workgroup had a conference call with John Marcello. The workgroup established and agreed on the workgroup membership, the role of alternates, voting, voting method, definition of consensus, roles and responsibilities of the facilitator and workgroup

members, the best way to communicate, meeting length and frequency, and the problem solving process to be used. John Marcello gave an assignment to the workgroup members to be completed and sent to him by July 26, 2010. Future conference call meeting dates were scheduled for August 5, September 13, and October 12, 2010. It was agreed that the workgroup will likely have to have a face-to-face meeting further into the process to ensure that the workgroup will have a recommendation for the FPMCC by April 2011.

Membership

On May 26, 2010, Chair and Vice Chair had a conference call to review and select committee members. There was an overwhelming return of committee members as well as those wishing to become members of the FPMCC. For the 28 member committee, we had only 7 vacancies to fill, a Federal regulatory, an at-large regulatory, a food service industry, 2 at-large industry, a training provider, and 1 consumer/independent.

We discussed the possibility of expanding the use of alternates and felt that, without clear guidance from the bylaws, this was not practicable. The practice in the past has been a member from an individual organization can recommend an alternate from their organization that would be able to vote in their absence. These **alternates have been submitted for CFP Board approval** as part of the committee roster. Alternates for a general representative groups have not been recommended in the past (i.e. alternates for food service, food retail, State regulatory, local regulatory, academia, certification providers, or training providers.) This could lead to some confusion and a difficult situation; for instance, if one of the three certification providers was not present at the meeting, I would not want another approved alternate from another certification provider to vote in their place.

Given this concern, it was felt that the **committee would need to recommend bylaw revisions** that would establish the roles and representation of alternates. Thus a roster was prepared including alternates and consultants, based on the past practice. Care was taken to provide a balance within the committee as possible. Vice Chair Hawley contacted each of the new potential members to confirm their interest and commitment to serve on the committee. On June 28, 2010, the committee roster was emailed to the Council II Chair with the request for an email vote.

On June 9, 2010, returning members were emailed information about the tentatively planned committee meeting to follow the August CFP Board meeting if the committee roster could be approved by email vote.

On July 15, 2010, the August 25/26, 2010, agenda and meeting details were emailed to the newly approved committee. Each member was sent a copy of the Standards, the FPMCC Bylaws, and the CFP Antitrust Statement.

Committee Workgroup Assignments

Each committee member has asked to serve on at least one of the following 4 workgroups:

Workgroup and (function and proposed projects for 2010-2012):

1. Standards (Maintain the Standards) Project: Review and update Standards preamble.
2. Logistics (Arrange for meetings, conference calls, assign scribes, complete minutes) Project: Assign scribes. Coordinate conference calls/webinars as needed. Select meeting location, lodging, and meeting room for next face to face meeting.

3. **Communications (Prepare communication re: Standards, FAQ, committee information on CFP webpage) Project:** Review materials on the CFP website and recommend updates/additions.
4. **Bylaws (Review and recommend revisions to FPMCC Bylaws) Project:** The role of alternates on the committee, and do we select alternates for each representative group, or individuals? This has been identified as an issue/concern by the CFP Board. We will need to clarify the use of alternates in our bylaws. Also, Should the bylaws include how changes in member's representation may affect their position on the committee?

Committee Orientation

Previous committee chair and long time committee member Dr. Cynthia Woodley will be presenting the new committee members with an FPMCC orientation on the morning of August 25, 2010, prior to the committee meeting. This provides the new members with important information about the committee's history, the Standards, the terminology, and about ANSI and ACAC so they are better prepared to participate in the committee meeting.

Committee Communication and Guests

Because there was so much interest in the work of the FPMCC, it is suggested that the Committee Agendas and Meeting Minutes be shared with the CFP Board and any interested parties. I would recommend that these be posted on the CFP website, and could be emailed to CFP Board members as well. As committee's hold open meetings, guests are always welcomed.

**Inspection Form Scoring
Chair/ Co-Chair – Pending Approval
Margaret Binkley (Academia) and William Flynn (Industry)**

CHARGES:

- Continue working with academic researchers to:
 - investigate and determine the most effective Foodservice Establishment scoring system, based on the current identified risk factors and interventions identified in the FDA Food Code, and for use with the current FDA Food Establishment Inspection Form; including the possible development of a scoring system for the FDA Model Food Establishment Inspection Report Form.
 - determine the most effective way to communicate the Food Establishment Inspection scores to the public so they have access to information in advance of choosing where to dine or where to purchase food items; including the possible development of a method to post inspection scores so that the public has access to the information in advance of choosing where to dine and purchase food items.
 - identify funding sources to conduct research and provide a letter of support for funding already identified.
- Report the committee's findings back to the Conference for Food Protection at the 2012 Biennial Meeting.

Activity and Remarks

Email sent to CFP for Board approval for Chair via e-vote. May 14, 2010. Approved

Email sent to ED for change **Chair/Co-Chair** due to Chair not being available. **Waiting for approval.**
Proposed committee members roster attached. **Waiting for approval.**

National Institute of Food and Agriculture (NIFA) Integrated Research, Education, and Extension Competitive Grants Program-- National Integrated Food Safety Initiative did not approve the research grant that our team had applied for. Their project was titled *"Using Restaurant inspections as a tool for Improving Food Safety."*

Our supported researchers were:

1. Dr. Craig Hedberg of the University Of Minnesota School Of Public Health is a recognized foodborne disease epidemiologist and an accomplished researcher. Dr. Hedberg has assigned a graduate student to assist in developing the research proposal that will accomplish the goals of the committee. 2. Dr. Douglas Powell, Associate Professor from Kansas State University, is a recognized food safety professor, proactive food safety information communicator, and an accomplished researcher. Dr. Powell has a graduate student whom is working on a similar project in New Zealand and will assist in developing the research proposal that will accomplish the objectives of the committee. 3. Dr. Ben Chapman, Assistant Professor Food Safety Extension Specialist from North Carolina State University, is an accomplished researcher. Dr. Chapman has students in the University Extension courses that study food safety and can actively participate in the research that will accomplish the objectives of the committee.

Without research dollars the committee is forced to re-evaluate how this project will be completed. In addition, the co-chairs from last year are going to be unable to continue due to their increased workload. They will remain as members to provide a smooth transition. Two members have agreed to step forward and lead the committee.

Interdisciplinary Foodborne Illness Training
Anna Starobin (Industry)
Michele Samarya-Timm (Regulatory Local) Pending Approval

CHARGES:

To continue tracking the progress of prominent disease training programs currently in development and to report back to the 2012 Biennial Meeting of the Conference for Food Protection.

Activity and Remarks

Email sent to CFP for Board approval for Chair via e-vote on May 14, 2010 and was approved.

Requesting approval for the proposed **Co-Chair, Michele Samarya-Timm**, and **proposed committee members** during EB Meeting. Roster attached. **Waiting for approval.**

CFP members signed up for this committee were contacted via e-mail and/or telephone with an invitation to participate on this committee. Several people initially interested in working for this committee declined their participation due to their involvement in other CFP committees. In order to have a balanced representation list of CFP members list with academia CFP members was requested and received from Chirag Bhatt. Susan Wallace, from Johnson and Wales University, was contacted and agreed to participate in the committee. Several people indicated their interest in being informed on the committee work progress and to be consulted on as needed bases.

Program Standards
Nicole Grisham (State)
Debbie Watts (Local) Pending Approval

CHARGES:

- Serve as a stakeholder group to provide input to an FDA internal working group which will be considering administrative functions such as:
 - Criteria for verification auditors
 - Recommending additional changes or improvements to the Program Standards
- Formulate resolutions to issues brought before the committee.
- Report back to Conference at the 2012 CFP Biennial Meeting.

Activity and Remarks

Email sent to CFP for Board approval for Chair via e-vote on May 14, 2010 and was approved.

Requesting approval for the proposed **Co-Chair, Debbie Watts**, and proposed **committee members** during the EB Meeting. Roster attached. **Waiting for approval.**

After committee is accepted, an initial teleconference meeting will be held to establish plan of action, meeting dates/frequency, etc.