

## FDA Report to CFP Executive Board Meeting

August 25, 2010

Kevin Smith, Director, Retail Food and Cooperative Programs Coordination

### **2010 CFP Recommendations to FDA**

- Received Recommendations on 6/28/10
- 25 Recommendations
- 16 in Part 1 – Food Code Changes
- 9 in Part 2 – Other Recommendations, including Program Standards Changes
- Written FDA response under development. On each recommendation FDA will either: Concur/Conceptually Agree; Do Not Concur; or More Discussion Required
  
- **Sixteen Part 1 Recommendations**
- Seven from Council I: I-011, I-017, I-019, I-021, I-022, I-024, II-021
- Likely to conceptually agree but most will require elaboration of FDA position and/or modification of the proposed text
- I-024 – Management Responsibility
  - FDA supports concept but needs to give further consideration before changing Food Code
  - Clarify understanding of “...implementation of Standard Operating Procedures”
- II-021- Food Protection Manager Certification
  - FDA Supports Concept of Mandatory Food Protection Manager Certification for most food establishments but requires further discussion of proposed Food Code Change
  - FDA needs clarification of whether intent of CFP Recommendation is to require that a CFPM is present in the establishment when facility is in operation
  - FDA supports concept that active managerial control of risk factors is enhanced when certified food protection manager is present in establishment
- Nine from Council III
- Likely to concur but many will require elaboration on FDA position and modification of proposed text , especially ones with asterisk
- FDA has concerns with III-06, III-007, III-015 - Concerns about removing or modifying temperature limits that provide consistent and uniform means of ensuring adequate facilities are in place
- CFP effort on maintenance and improvement to FDA Food Code is important to FDA
- **Nine Part 2 recommendations**
- Council I - I-010, I-015, I-016\*
- Council II - II-002, II-007\*, II-009, II-010, II-011, II-012
- FDA likely to concur/conceptually agree with all

- Exceptions/Clarifications to be provided on I-016 –Q & A's for Food Code Designations
- Clarifications to be provided on II-007 –Database Management Tool
- Revised Program Standards should be available Jan 2011
- CFP effort on maintenance and improvement to Voluntary Retail Food Regulatory Program Standards is important to FDA

### **Retail Food Allergen Manual**

- Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA)
- Includes restaurants and retail food establishments
- Food Code is a primary mechanism at retail
- Directed FDA to Work with CFP
- Retail guidance document in development will:
- Provide information for regulators to advise the PIC
- Raise food allergy awareness of food employees
- Spell out best practices and strategies for active managerial control of allergens
- Be provided to CFP Allergen Committee for review and comment this Fall

### **Recommendations for the Temperature Control of Cut Leafy Greens During Storage and Display in Retail Food Establishments**

- Proper storage and handling of cut leafy greens
- Receiving
- Temperature measurement
- Time as a Public Health Control
- Available on FDA Website

### **Time as a Public Health Control for Cut Tomatoes**

- 2008 Conference Recommendation
- FDA issued opinion that it is not necessary to chill whole tomatoes to 41°F or less before slicing or cutting them if an establishment wishes to use TPHC for the immediate room temperature display or holding of cut tomatoes
- Based FDA conducted in-house studies
- No significant difference in growth in those that start at Ambient Temperature (72°F) vs. Fully Refrigerated Temperature (41°F), in time frames for TPHC

### **Integrated Food Safety System**

- Multi-agency effort led by FDA and encompassing participation by other Federal, State, Territorial, Tribal, and Local Agencies
- Support and buy-in from many public health and food safety professional organizations
- Effort directed via Partnership for Food Protection –Convened in 2008 and Aug 2010
- Many CFP Members involved in Partnership
- CFP not formally engaged as organization (nor is ISSC or NCIMS)

- CFP's role in maintenance of Retail Program Standards is recognized by agency and PFP, but more active participation may be valuable

### **New Menu Labeling Requirements**

- Patient Protection and Affordable Care Act of 2010, Section 4205
- Restaurant and Retail Food Establishments with 20 or more locations
- Vending Machine Operators who own or operate 20 or more vending machines
- Federal Register Notice
  - FDA wants to hear from YOU on how to implement the menu and vending machine labeling requirements
  - Docket No. FDA-2010-N-0298
  - Go to: [www.regulations.gov](http://www.regulations.gov)
  - Docket is open for comments for 60 days from its publication date of 7/7/10
- **50-State Call on August 24**
  - Replays will be available until September 15, 2010.
  - Phone: (Toll-free) 1-800-814-6745.

### **Retail Risk Factor Studies**

- 2009 Report and Trend Analysis Report post in Sept
- 50-State, Industry and Press/General Audience calls that day
- Establish a national baseline on the occurrence of foodborne illness risk factors
- Measure patterns in the occurrence risk factors over time
- Study Time Line - Data Collections 1998, 2003, 2008
- Trend Report shows progress has been made over 10 year period but facility types still need to improve control of key risk factors
- Most significant improvements seen in those areas most in need of improvement risk factor
- 2009 Report highlights areas most in need of improvements and suggests recommendations to regulatory community and industry sectors

### **Changes at FDA since April 2010 report**

- New CFSAN Leadership
  - Acting Center Director – Michael Landa, J.D.
  - Acting Deputy Center Directors – Don Kraemer and Roberta Wagner
  - Acting Director- Office of Food Defense, Communication and Emergency Response - Ted Elkin
- Retail Food Protection Team
  - Becky Vigue headed to new position in NE-DO
  - Two positions on RFPT to post soon
- New Regional Specialist in SER – Diane Kelsch