



CONFERENCE FOR FOOD PROTECTION, INC.

Executive Board Meeting Minutes Louisville, KY August 13-14, 2013 and September 19, 2013 Conference Call

(NOTE: Minutes from each “meeting” were combined into one document.)

Voting members present: Dean Finkenbinder, David Gifford, Sheri Morris, Lorna Girard, Lori LeMaster, Kelli Whiting, Bill Hardister, Elizabeth Nutt, Jessica Fletcher, Cassandra Mitchell, Kevin Smith, Carol Selman, Dr. Julie Albrecht, Ken Rosenwinkel, Becky Stevens-Grobbelaar, Donna Garren, Terry Levee, Dr. John Hicks (by telephone for entire meeting and Conference Call), Sarah Klein (by telephone for part of meeting), Michael Roberson (by telephone for part of meeting and on Conference Call), Marlene Gaither (on Conference Call), John Luker (on Conference Call), and Larry Eils (on Conference Call)

Non-Voting Members present: Brenda Bacon, Christopher Gordon, Patrick Guzzle, Susan Quam, Todd Rossow, Lee Comman, Vicki Everly, Dr. David McSwane, Eric Pippert, Lisa Wright, and Aggie Hale (on Conference Call)

Guests: Jeff Hawley, George Roughan (meeting day 2)

Note: All voting members and non-voting members participated for all or part of the meeting and/or conference Call.

Note: All Executive Board-related reports mentioned in these minutes are posted to the CFP website here: <http://foodprotect.org/administration/executive-board-meetings/?id=39>

Note: All Committee-related reports mentioned in these minutes are posted to the CFP Website here: <http://foodprotect.org/work/?id=39>

Opening – Conference Chair Lori LeMaster, Presiding at the August Executive Board Meeting and Conference Vice Chair Donna Garren, Presiding at the September Conference Call

Conference Chair Lori LeMaster called the meeting to order and thanked Yum Global, KFC Headquarters and Becky Stevens-Grobbelaar for hosting the event and providing all the amenities for the Executive Board Meeting.

Executive Director David McSwane reminded the Board of the CFP Anti-trust Policy. Executive Assistant Lisa Wright recorded a written list of members present.

Ms. LeMaster reported that Board Meeting Minutes for the May 14-15, 2013 meeting were previously approved via E-ballot. Ms. Selman requested that a correction be made to the May attendance list which has been made.

Mr. Jeff Hawley raised a question of whether he is a guest or a non-voting member of Board. Some discussion resulted in recognition that this will need to be examined more closely. Dr. McSwane asked that C&B look into this and make recommendations. David Gifford recommended we have some time to think about this and discuss again under new business.

Executive Staff Reports

Executive Director – David McSwane

Dr. McSwane brought up the subject of increasing membership dues to \$50 per year (instead of every 2 years) in the interest of sustaining the health of the organization. Extensive discussion ensued about the financial health and future of the organization and what costs could be increased and whether we can reasonably expect to assume that sponsors will be there to help us stay whole in the coming years.



Ms. Nutt moved and Mr. Smith seconded the motion to raise the registration fee for the Biennial Conference meeting by \$50. The vote was 7 yes, 5 no, with 2 abstentions. The motion carried.

Dr. McSwane asked the Board to approve using Eventbrite to collect membership dues year-round as a way of simplifying the handling process and enhancing the accounting process. Each dues purchase would incur a nominal fee of \$3.49 for

processing. These purchases would be made by members who purchase membership when the registration period is not open.



Mr. Levee moved and Ms. Morris seconded the motion that we set up dues payments separate from the registration with Eventbrite. The motion passed unanimously.

Dr. McSwane requested that the Board consider moving the Council Formation process from the summer before the Biennial Meeting to January of the Biennial Meeting immediately following the Issue Submission Period. The Board felt that this would tax the Council Chairs with too many activities at a time when they are needed to participate in the Council Issue Assignment process. Council Formation process will remain as is.

Dr. McSwane mentioned that a few Board members are serving terms that will expire at the 2014 Biennial Meeting. Consideration will need to be made as to how the positions will be filled.

The Board discussed the responsibilities of its constituent members to communicate CFP and Board activities to its constituent members. It was agreed that Board members should be reaching out and sharing what is happening with CFP. State members agreed that they could do this through State Delegates. Ms. Wright agreed to send the Voting Board Members the membership roster so that they can identify their constituents. (This assignment has been completed.)

Note: a list of State Delegates for the 2012 Biennial Meeting can be found on the CFP website here: <http://foodprotect.org/biennial-meeting/?id=2012-biennial-meeting>.

Dr. McSwane reminded the Board that we will begin an active search for the Executive Assistant position that will be filled to begin on March 1. Ms. Wright and Dr. McSwane will update the existing Executive Assistant position description in September and submit it to the Board members for review, suggestions and approval.

Dr. McSwane opened a discussion of whether the 30-day submittal period for submitting reports prior to the Executive Director should be shortened. It was agreed that no change will be made.

Executive Treasurer – Eric Pippert

Mr. Pippert reviewed his previously submitted reports and addressed members' questions. He also announced that the transition to online banking has been made.

Executive Assistant – Lisa Wright

Ms. Wright reported that all meeting-related reports have been posted to the website (see Note above.) She reported that she has developed a manual for her replacement that describes the Website's Content Management System (CMS). Eventbrite website setup has been completed for the 2014 meeting and only needs to be updated with the new Registration prices. She also reported that Eventbrite has also been set up for ongoing Membership purchases and the 2014 Sponsorship process. Registration must open on or before December 3rd.

Current membership is 536.



Mr. Rosenwinkel moved and Ms. Morris seconded the motion to acknowledge the Executive Staff reports. The motion carried unanimously.



Mr. Finkenbinder moved and Ms. Morris seconded the motion to approve budgets submitted by Executive Treasurer Pippert. The motion carried unanimously.

Old Business

Issue 2012-I-021 Notification of Consumers of Recall

Kevin Smith says that the FDA is further along in the preparation for opening the Federal Register for comments about this process. CDC is currently vetting it, and he can't project a firm date as to when it will be published but would notify CFP Executive Director McSwane when it is posted so we can e-blast the membership to solicit comments.

2012-II-038 Consumer Scholarships - Sarah Klein

The ad hoc Consumer Scholarship Committee requests Board approval of up to 3 ongoing consumer scholarships that would cover registration costs. The applications would be due 8 weeks before the Biennial Meeting, and a list of applicants would be given to a standing committee made up of all constituencies and chaired by the Board Consumer member for selection recommendations and ultimate approval by the Executive Board. The Issue charge stated that it would apply to 2 Council members. The ad hoc Committee amended the charge and came up with the proposal for 3 as stated in their written report.



Ms. Klein moved and Ms. Girard seconded the motion that we have 2 consumer scholarships and waive registration fees for the 2014 Biennial Meeting for a third consumer Council member for 2014 and subsequent meetings. Motion passed unanimously.

No formal motion was made to acknowledge this report.

Ad Hoc Committee on Standards for Documents Published for CFP Website – Dr. Don Schaffner

Dr. Schaffner reviewed his previously submitted report including how to implement a policy dealing with published documents. The report includes a draft acknowledgement statement. Discussion ensued including: what would be the process of how something may be submitted to a peer recommend journal, would it be part of an Issue Recommendation, is the leadership of the original Committee responsible for getting peer review done, must it only be done after approval by the Assembly, does a policy need to include that nothing can be submitted for publication that hasn't gone through the Issue acceptance process? The Board concluded that this issue is much greater than we thought and will require further thought.



Mr. Gifford moved and Ms. Fletcher seconded the motion that if members of a Committee feel their work is worthy of publication they can submit their draft manuscript for approval by the Board. Discussion continued.



Mr. Gifford and Ms. Nutt called the question. The motion passed unanimously.



The original motion (Gifford/Fletcher) was voted on. The vote was 10 yes, 4 no, with 2 abstentions. This item will need to be submitted as an Issue through the C&B Committee. The motion carried.



Mr. Finkenbinder moved and Ms. Albrecht seconded motion to acknowledge the ad hoc Committee's report. The motion passed unanimously.

Dr. Schaffner and the members of the ad hoc committee were thanked by the Board for the work they put into this subject.

2014 Biennial Meeting Update

Local Arrangements Committee – Michael Roberson and Lee Cornman

Ms. Cornman reported that arrangements are moving forward: the Executive Director has developed an invitation letter to the FL Commissioner of Agriculture, the opening welcome statement from the Local Arrangements Committee is under development, and they have reached out to Disney to get approval to use an aerial photo on the CFP Program Booklet.



Mr. Levee moved and Ms. Stevens-Grobbelaar seconded the motion to acknowledge the Local Arrangements Committee Report. The motion passed unanimously.

Council Reports – (including Council Formation Reports)

Council I Report –Brenda Bacon and Christopher Gordon

Ms. Bacon and Mr. Gordon summarized their previously submitted report.

Plan Review Committee – Committee Chair Liza Frias resigned from an industry position and is now regulatory which puts her as the 2nd regulator co-chairing the committee. The Board recommended that she be allowed to continue as chair through the next Biennial Conference meeting.

Wild Mushroom Committee is working hard and moving forward toward completing their charges.

Meat and Poultry Processing at Retail Committee has proposed changes in the charge to establish template models for the various sections involving retail HACCP. Board discussion resulted in a consensus that the proposed template models are examples of guidance documents and therefore are consistent with the current charge of providing guidance documents. It was agreed that a change in the charge was not necessary at this time.

Beef Grinding Log Committee is working hard and it is 95% along in meeting its charge.

Ms. Bacon reviewed the Council Roster and noted some changes to the previously submitted version.



Mr. Gifford moved and Mr. Rosenwinkel seconded the motion to accept the Council roster, acknowledge the Committee report, maintain same Plan Review chairs, and let the Meat and Poultry Committee know to keep the charge as is. The motion carried unanimously.

Ms. Bacon later submitted a change to the Council to avoid having 2 people from same parent company on the Council.



Mr. Rosenwinkel moved and Ms. Girard seconded the motion to accept the revised Council I roster. The motion passed unanimously.

Council II Report –Patrick Guzzle and Susan Quam

Mr. Guzzle and Ms. Quam reviewed the Council II roster and summarized the previously submitted Council II Report.

Interdisciplinary Foodborne Illness Training Committee is meeting regularly and is working to develop criteria to review resources specific to training.

Program Standards Committee made a personnel change. David Lawrence was nominated to become Chair and has been approved by the Executive Board. Mr. Lawrence's amended report was submitted to this meeting. The Committee

would like FDA to be able to make minor changes to Program Standards without CFP approval. They will ask that only substantive changes will need to go through CFP to accelerate the change process.

The Certification of Food Safety Professionals Committee is working toward its charges. They requested that the Board consider sending a letter to FDA (see report) to request that FDA do a job task analysis; Mr. Smith says this is in progress and a letter is not necessary.

Standardized Data Collection and Electronic Reporting of Inspections Committee is working toward its charges. They are broken into 2 subcommittees – IT and Scoring.



Mr. Finkenbinder moved and Dr. Albrecht seconded a motion to acknowledge the Council II report and roster. The motion passed unanimously.

Council III Report –David Gifford/Todd Rossow

Mr. Gifford and Mr. Rossow briefly summarized their report and roster. They noted that all of their committees (**Emergency Action Plan Committee, Hand Hygiene Committee, Listeria Guidelines Committee and Time as a Public Health Control Committee**) are moving forward



Mr. Rosenwinkel moved and Mr. Levee seconded a motion to acknowledge the Council III report and roster. The motion passed unanimously.

Standing Committee Reports

Constitution and Bylaws Committee – Lee Cornman

Ms. Cornman reported that the Committee has had several conference calls. They are working on Board-generated charges from the 2012 Biennial Meeting and previous Executive Board discussions.

The Committee is researching the scope of Executive Board authority to make policies and procedures based on direction provided by the Board in 2010. This issue generated much Board discussion. The Committee's draft of an Issue for 2014 gives more authority to the Board than existing wording provides but provides the Board authority to manage the business of the Conference. It states that MOU's may need to be addressed through the Assembly but other things can be itemized and managed at the Board level such as job descriptions and routine board policies. Wording should state that these items may not be in contradiction to the Constitution and Bylaws.

The Committee is also dealing with how to handle changes or clarifications to charges. Draft language is provided to amend the Conference Procedures Manual. Discussion ensued - are we encouraging changes by creating this option? There was some concern expressed about modifying charges at all. Most Board members felt we need to be able to make the work of the Committees achievable. Forwarding this issue through will also help us see what the direction of the Board and Assembly will be.

Regarding extracted Issues – there has been incomplete discussion at the Constitution and Bylaws Committee level. Some language changes were suggested by the Executive Board that will go back to the Committee. The general consensus was that the Committee is going in the right direction.



Mr. Gifford moved and Mr. Levee seconded a motion to acknowledge the Constitution and Bylaws Report. The motion passed unanimously.

Food Protection Managers Certification Committee – Jeff Hawley and Christine Hollenbeck

Mr. Hawley reminded the Board that he sent in an amended report and hoped that everyone had a chance to review it. The Committee is working on Issues-related charges. A workgroup that addressed security standards has been

developing a plan, and they asked 3 of the providers to submit all of their security data breaches. A report is being created from this data, and the Committee will see if the new security measures adopted at the 2012 Biennial Meeting have been effective. The Committee's work toward their other 2 charges is progressing.

The Board approved the addition of Jeff Heinicke to the Committee. Mr. Hawley mentioned the potential legal conflict that has arisen between 2 providers regarding Section 5.17 of the Standard. The Committee asked the Board to charge the Committee with clarifying the section of the Standard that is at the center of this conflict.



Mr. Levee moved and Ms. Nutt seconded a motion to acknowledge the Council III report and roster. The motion included accepting the new committee member and adding the charge to the committee regarding Section 5.17. The motion passed unanimously.

Strategic Planning Committee – James Mack

Mr. Mack stated that the job of this committee is to develop a plan for the organization including the Board. Issues to consider by the group are: 1) where are we now and where will we like to be down the road? And 2) what are particular challenges we face? The Board must decide where we want to go and the Committee would take the lead to identify how to get there. He stated that it's important for the Committee to be objective.

The Committee's membership survey generated a 23% response rate; there were lots of blank answers on those that were submitted. Mr. Mack noted that the Board meeting thus far has been dealing with two issues - revenue and communication. Three concerns came out of the survey - improved communication during the meeting including use of social media; weekend versus weekday conferences; and communication and transparency regarding the decision of FDA when recommendations are submitted. Mr. Mack noted that it is important to keep membership involved throughout the year. It is important for the Strategic Planning Committee to really dissect what is going on within the organization. The Committee needs to do a stakeholder analysis but this is long-term. Short-term the Committee could take one or two items. Mr. Mack recommends a SWOT analysis – strengths, weaknesses, opportunities, and threats. Ms. Stevens-Grobbelaar and Ms. Fletcher volunteered to serve on the Committee.

Mr. Mack and others expressed that the organization may have become stagnant. How do we revitalize and spend appropriate time using a SWOT approach? What is our role for the future now that Food Code has been fine-tuned? Could we have feedback forms available at the Biennial Meeting (yes)? Do we need to revisit our Mission Statement? How do we raise awareness with other food safety organizations? Should we develop a white paper published in various publications and newsletters to define our role? Could we have a follow up email after each Board meeting announcing and linking to the meeting? The Board continued with much discussion but no firm actions.



Mr. Levee moved and Ms. Mitchell seconded a motion to acknowledge the Strategic Planning Committee Report. The motion passed unanimously.

Program Committee – Dr. Julie Albrecht

Dr. Albrecht presented the latest draft of the Saturday workshop. She asked that Committee Chairs solicit their Chairs to determine which Committees want to make presentations on Sunday morning.



Ms. Fletcher moved and Ms. Mitchell seconded a motion to acknowledge the Strategic Planning Committee Report. The motion passed unanimously.

Compensation Committee – Larry Elis (not present at the meeting)



Mr. Gifford moved and Ms. Mitchell seconded a motion to acknowledge the Compensation Committee Report. The motion passed unanimously.

Sponsorship Committee – Greg Roman (not present at the meeting)



Mr. Levee moved and Ms. Girard seconded a motion to acknowledge the Sponsorship Committee Report. The motion passed unanimously.

Issue Committee – Vicki Everly and Aggie Hale

Ms. Everly summarized her previously submitted report. She first requested approval of the Final Committee Report format. There will be a conference call with all Committee Chairs, Council Chairs and Issue reviewers in September to discuss the final report process so approval of the form is necessary.



Mr. Smith moved and Mr. Gifford seconded a motion to change the title of the report to “CFP Issues to be Submitted to Council,” including requested action, and to approve the form. The motion passed unanimously.

Ms. Everly reviewed the changes made to the Issue Review Process document; she will add peer review changes made yesterday. There was discussion of the changes. A shorter version of this will be available for non-Committee (independent) submitters.



Mr. Gifford moved and Ms. Nutt seconded a motion to accept the Issue Review Process document. The motion passed unanimously.

Ms. Everly reviewed a number of minor edits made on various Issue-related documents. Mr. Smith expressed concern that sections of the documents imply that specific new language for the Food Code needs to be submitted where it should not be required. Everly will make needed changes.



Mr. Gifford moved and Mr. Rosenwinkel seconded a motion for approval of these various documents related to online Issue submission. The motion carried unanimously.

Ms. Everly requested consideration of a new final roster that will conform to the current roster template.



Mr. Smith moved and Ms. Morris seconded a motion for approval of the new roster format. The motion carried unanimously.

Ms. Everly described the concept of “placeholder Issues” that are required to work around the current software lockout at the end of the Issue submission period. She requested that the Board formally approve the use of “placeholders.”



Mr. Rosenwinkel moved and Ms. Albrecht seconded a motion for approval of use of placeholders. The motion carried unanimously.

Ms. Everly brought up subject of who “speaks for the Conference.” What does it mean when the recommendations language says, “The Conference recommends...” The Board needs to discuss the meaning of this language and establish what it means. Mr. Gordon, Mr. Levee and Dr. McSwane will work out some language and present it to the Board at the May meeting.

Everly requested formal approval to post list of documents in the Issue Committee report, item #9 less d, e, and k on the website by October 1, 2013. The older versions will be removed.



Ms. Morris moved and Ms. Fletcher seconded a motion to approve said postings. The motion carried unanimously.

Ms. Everly stated that the goal of the Committee with all these revisions is intended to make the process easier and smoother. She stated that several position descriptions have also been reviewed and revised related to Issues and will be postponed until the conference call in September.



Mr. Rosenwinkel moved and Ms. Mitchell seconded motion to acknowledge the Issue Committee Report as reviewed at the August meeting. During the discussion, concern was expressed that some of the work of the Issue Chair may or may not have been work developed through the Committee process. Are we as a Board comfortable with this? It was decided that if the Board has given direction to a chair for a report back to the Board, then this may be separated from the Committee report. The motion passed unanimously.

Ms. Everly mentioned as an FYI that the changes that have been requested of Kevin Hamstra to Issue Submission on the website may cost up to \$2000.

Ms. Hale summarized the committee's recommendations for archiving documents (see Attachment 6).



Mr. Roberson moved and Ms. Nutt seconded motion to approve Attachment 6 for archiving CFP documents. The motion carried unanimously.

Ms. Everly summarized the committee's recommendations for modifying various position descriptions to incorporate each position's involvement and responsibilities in the Issue Process (Attachment 7).



Mr. Roberson moved and Mr. Finkenbinder seconded motion to approve amendments to the various position descriptions as described in Attachment 7. The motion carried unanimously.

Ms. Everly mentioned at the August Board meeting that she would be requesting funds of approximately \$2000 for periodic maintenance of the Issue Management Program (IMP) developed by our Webmaster, Kevin Hamstra, which allows for online submission of Issues. Ms. Everly reviewed the changes that Hamstra will make and also stated that it was important that the organization have a written description of and instructions for the Issue Management Program (IMP) program so that new Issue Chairs would be able to transition to the role more easily. Mr. Hamstra has stated that he will be able to accomplish these tasks at an amount not to exceed \$3000. Everly stated that the changes will greatly improve the functionality of the program.



Mr. Eils moved and Mr. Luker seconded motion to authorize the expenditure of up to \$3000 for Mr. Hamstra to complete these tasks. There was discussion of our current budget and the affordability of this project. It was agreed that we need these fixes and that Mr. Hamstra's services were reasonably priced. The motion carried unanimously.

On the Conference Call, Ms. Everly asked for clarification from the Board on whether changes to instructional documents agreed to at the August Board meeting would need to go through the Assembly process or can be approved at the Executive Board level.



Mr. Finkenbinder moved and Ms. Fletcher seconded motion is that the Issue-related documents referred to in the Issue Committee report and previously approved by the Board do not need to go through the formal Issue process. During the discussion, it was stated that the documents would all be on the website available to members as needed. The motion carried unanimously.

At the behest of Dr. McSwane, Ms. Everly introduced the new topic of "ownership/professionalism," specifically whether documents created by the various committees are "owned" and by whom – the creator or CFP? (See page 3 of the Issue Committee Report for details.) Ms. Everly and Ms. Hale recommend that documents created within and on behalf of the members be the property of CFP once submitted (reports and Issues) as described in the following Policy Statement:

Draft Policy Statement:

Committee-submitted documents reflect upon the professionalism of the Conference as an organization. Once submitted to the Executive Board, or submitted online via the Issue Management Program, all Issues, reports, and content documents generated by a Conference committee belong to, and are solely the property of, the Conference.

Documents and Issues submitted to the Conference by an independent entity do *not* reflect upon the Conference as an organization and reflect solely on the professionalism of the submitter.

All Issues and attached content documents, once finalized by the Issue Reviewer and accepted for council consideration become the property of the Conference for Food Protection and reflect on the professionalism of the Conference as an organization.



Mr. Roberson moved and Mr. Hicks seconded motion to accept the recommendations of Ms. Everly regarding ownership of CFP documents. Motion carried unanimously.

Ms. Everly stated that the question has been raised regarding whether or not committee reports, attachments, and Issues posted on the CFP web site are considered to be in the “public domain” and whether use limitations can or should be placed on those documents. The Board discussed the topic but no action was taken at this time.

Ms. Everly stated that the Executive Director has asked that the Issue Co-Chairs establish written descriptions for all the players in the Issue process. They will work on this while they are managing the process for the 2014 Biennial Meeting.

Dr. McSwane thanked Ms. Everly and Ms. Hale for all the work they've put into their report and recommendations.



Mr. Finkenbinder moved and Mr. Roberson seconded motion to acknowledge the Issue Committee report. The motion carried unanimously.

Audit – Terry Levee

Mr. Levee briefly reviewed the Audit Committee report. Ms. Everly shared an experience with another organization that was audited for non-profit status; she cautioned the Audit committee to ensure that records are complete.



Ms. Mitchell moved and Mr. Rosenwinkel seconded a motion to acknowledge the Audit Committee Report. The motion passed unanimously.

Presentation - Alternatives for sharing CFP Documents on a secure area - George Roughan

Mr. Roughan, Communications Subcommittee Chair of the FPMC Committee, has worked with the IT staff at his company to develop a web-based application for sharing working documents in a secured area using an IIS web server (in common with Foodprotect.org). Entrance to the secure area is accessed through Google Drive, a free file management feature offered by Google. Google user names and passwords were established for each FPMCC workgroup. Mr. Roughan demonstrated this application to the FPMCC at its May meeting and has offered the services of the TAP Series programming staff to help the CFP Webmaster develop a similar means for sharing documents by all CFP Committees. The TAP program should be easily dropped onto CFP website and adapted for CFP use at minimal cost for set-up time by the CFP Webmaster, Kevin Hamstra. There would be no cost for the use of the actual program and the features available through Google Drive. TAP has developed tutorials for training of webmaster and users. Each CFP user would have to have a Gmail account to use this. Mr. Roughan and the Board agreed that FPMCC will pilot this and report back to the Board on the success of the program.

Federal Agency Reports

CDC – Carol Selman

The National Voluntary Environmental Assessment Information System (NVEAIS) is a new surveillance system designed to capture environmental assessment data from retail foodservice establishment-associated foodborne outbreaks. Office of Management and Budget (OMB) cleared the system in August. CDC is in the process of completing final documents needed for the web site to guide users in reporting data. The System will be open for food regulatory programs to report their data beginning on November 13, 2013.

The e-Learning training program on *How to Conduct a Foodborne Illness Outbreak Environmental Assessment* was put on the public server yesterday. We are in the process of checking its function. We plan a tiered release of the program. The first week of October, the training will be released to EHS-Net grantees, FDA, USDA, and CDC subject matter experts and staff, and industry representatives who allowed the use of their logos in the program. By mid-October it will be

released to state and local agencies who have registered to be notified of its release, academia representatives, and industry associations. On November 13th the training will be public for all individuals interested in foodborne illness outbreak environmental assessments.

FDA – Kevin Smith

Mr. Smith summarized his written report.

The 2013 Food Code is expected to be available on-line and for purchase in late October.

- FDA will release a Constituent Update that will summarize the purpose of the document and highlight the key changes.
- A press release is likely and FDA will also host webinars that will provide a description of the changes and provide an opportunity to ask questions.
- CFSAN staff has been presenting an overview of the planned changes to each of the regional seminars held over the past several weeks, including the Southwest Regional Seminar the week of Sept 17 and the Southeast Seminar the week of Sept 23.
- FDA recognizes that some states are waiting on the release so that their Code changes can be made.
- Most of the changes reflect the recommendations of the 2012 CFP meeting. FDA will provide a letter to CFP that summarizes how the CFP recommendations were addressed. Currently, at least one agency in all 50 States has a retail code modeled after the FDA Food Code.

2013 Version of National Retail Food Regulatory Program Standards will issue shortly after the Food Code. Among the more significant changes is the transfer of all requirements related to enrollments, self-assessments and verification audits from Standard 9 to a new Administrative Procedures document that will be an addendum to the Standards themselves.

FDA continues to expand funding opportunities for state, local and tribal agencies seeking to improve their programs.

A Cooperative Agreement was just awarded to AFDO that will have serve to distribute funding to a number of state, local and tribal jurisdictions in amounts of \$500 to \$3000 to encourage progress in the Program Standards. The CA will also facilitate the distribution some larger sums (up to \$25000) for more ambitious projects, as well as some training scholarships.

35 of the 38 Cooperative Agreements created in 2012 between FDA and State/local agencies to improve retail food programs have been awarded year 2 funds of up to \$70,000 each.

The Cooperative Agreement between FDA and NACCHO was renewed for year 3 for \$400,000. This will allow for continuation of a very successful Program Standards Mentorship program. Year 2 of the mentorship program just ended with 5 mentors and 10 mentees all reporting significant progress in their work on the Program Standards. Research efforts designed to better understand the scope and value of inspection scoring and grading systems will also continue and will include case studies of up to six agencies that have implanted scoring and grading systems.

The comment period on 4 important Proposed Rules under the Food Safety Modernization Act (FSMA) remain open until November 19, 2014. In addition to the extending the comment periods for the Preventive Controls Proposed Rule and the Produce Safety Proposed Rule, in July FDA issued proposed rules for 1) Food Supplier Verification Program (FSVP) for Importers and 2) Verification of 3rd Party Auditors/Certification Bodies. Public meetings on these rules took place on September 19 and 20 in DC and will be held in Miami on October 10 and Long Beach, CA on October 22. CFP members are encouraged to provide comment to the Docket. Information available at <http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm247568.htm>.

FDA hopes to maintain its support for CFP at the 2014 Biennial Meeting by having the FDA National Retail Food Team present. Tighter restrictions on travel funds may make it difficult to get approval for the entire team however. FDA will keep the Executive Director informed.

Enrollees in the Retail Program Standards continue to rise. The number of enrollees has surpassed 560 and over 53% of the US population lives in a locality where the local regulatory authority is enrolled in the program Standards.

FDA continues to hold meetings of its Restaurant Food Safety Partnership and the Retail Food Store Food Safety Partnership. The Restaurant Partnership last met in June and the Retail Partnership met in May, Both groups will next meet in November. These groups are focused on identifying ways to accomplish the objectives of the FDA Retail Food Safety Initiative.

FDA is in the process of Piloting its Data Collection Tool for the next phase of its Retail Risk Factor Study. The follow up to the previous 10-year study will start with the Restaurant sector beginning in 2014. FDA expects to observe food safety practices in over 800 restaurants in 2014 and issue a report in early 2015.

Personnel changes at FDA since the last Executive Board meeting include the appointment of Roberta Wagner as the Deputy Director for Regulatory Operations at CFSAN and Dr. Steven Musser as Deputy Director for Scientific Operations at CFSAN. Melinda Plasier was named the Associate Commissioner for Regulatory Affairs at ORA. ORA is in the process of hiring the position of Director, Office of Partnerships.

A copy of the MOU with FDA was distributed by Mr. Smith in Louisville with the suggestion that it be revisited now that 20 years have passed and see if we need to make any changes. He stated that it has held up well and both organizations have honored it. Do we want to just reaffirm it or do we want to make any changes? Ms. Garren suggested that we solicit feedback via email and then consider having a small group including Mr. McSwane and Mr. Smith to consider the issue. Discussion ensued.



Mr. Eils moved and Mr. Levee seconded motion that Mr. McSwane circulate the current MOU, ask the Board for suggested changes, and if received, appoint a small group to consider the suggestions. Motion carried unanimously.

USDA – Dr. Hicks

Dr. Hicks reviewed the status of FSIS Proposed New Labeling Rules for Mechanically Tenderized Beef Products. On June 10, 2013, FSIS published in the Federal Register (FRN# 2008-0017) the proposed rule, “Descriptive Designation for Needle- or blade-tenderized (Mechanically Tenderized) Beef Products.” The Agency is proposing to require the use of the descriptive designation "mechanically tenderized" on the labels of raw or partially cooked needle or blade tenderized beef products, including beef products injected with marinade or solution, unless such products are destined to be fully cooked at an official establishment.

On August 9, 2013, FSIS announced that it is extending the comment period for this proposed rule until October 8, 2013. The Agency is taking this action in response to two requests made by trade associations for additional time to comment on the proposed rule and the guidance.

FSIS is also announcing that it has posted on its website “FSIS Compliance Guideline for Validating Cooking Instructions for Mechanically Tenderized Beef Products, 2013.” The Agency has posted this guidance on FSIS Significant Guidance Documents web page.

FSIS is requesting comments specifically for additional scientifically valid data on cooking instructions developed for various mechanically tenderized beef products that have been found to consistently meet an endpoint temperature and rest time sufficient to ensure the product is fully cooked.

Availability of Guidance: Establishment Guidance for the Selection of a Commercial or Private Microbiological Testing Laboratory

On June 27, 2013, FSIS announced the availability of final guidance for federally inspected establishments in the selection of commercial and private microbiological testing laboratories. FSIS has posted this policy guidance on its Web page at: <http://www.fsis.usda.gov/wps/portal/fsis/topics/regulatory-compliance/compliance-guides-index>.

FSIS is encouraging establishments that prepare meat, poultry, or processed egg products to consider the criteria in this guidance in selecting commercial or private microbiological testing laboratories and in determining the laboratories'

capability to provide accurate and reliable results. FSIS-regulated establishments may perform microbiological testing (or contract with an outside laboratory) for various reasons, including, but not limited to the following:

- To fulfill regulatory requirements (9 CFR 310.25, 381.94, 430.4, 590.580);
- To support on-going verification of the establishment's HACCP plan (9 CFR 417.4(a)(2));
- To support decisions made in the establishment's hazard analysis (9 CFR 417.5(a)(1) and 417.5(a)(2));
- To evaluate the effectiveness of the establishment's sanitation program (9 CFR 416.14); or
- To comply with customers' purchase specifications or requirements.

Establishments that select laboratories that do not apply appropriate testing methods or maintain effective Quality Control or Quality Assurance (QC/QA) practices may not receive reliable or useful test results and thus run the risk of not being aware that the food that they have produced is unsafe.

In response to comments received, FSIS has revised the guidance to clarify that establishments that select laboratories that meet the guidance provided in the ISO 17025 accreditation schemes would meet the applicable criteria set out in FSIS's guidance. FSIS also revised this guidance to explain that establishments that have samples analyzed using an accredited laboratory and an FSIS Microbiology Laboratory Guidebook (MLG) method would meet the applicable criteria recommended in this guidance. FSIS also revised this guidance to state that proficiency testing (PT) should be performed on a regular basis.

FSIS has made available a web-based list of validated methods commonly used by regulated establishments to test for relevant foodborne pathogens (i.e., *E. coli* O157:H7; *Listeria monocytogenes* and *Listeria* species; and *Salmonella* and *Campylobacter* species) in meat, poultry, and processed egg products. The list of these methods is available at: <http://www.fsis.usda.gov/wps/portal/fsis/topics/regulatory-compliance/New+Technologies>.

New Business

CFP Policy Regarding the Sharing of Member Information – Dr. McSwane sought confirmation that the Board decided at the May 2013 meeting that members may have access to all member data. Everyone agreed that this was the intent.



Mr. Eils moved and Mr. Roberson seconded the motion that we would share member information only with members of the organization. Motion carried unanimously.

Dr. McSwane reminded the Executive Board that the *search for a new Executive Assistant* would begin early in the year. He stated that he and Ms. Wright updated the Executive Assistant position description to reflect current duties and to account for changes in technology that have impacted the position since it was first written. The revised description with an amended footer has been distributed to the Executive Board. Chairs of the ad hoc search committee, Ms. Garren and Mr. Levee will handle the receipt of suggested amendments to the job description and will reconstitute the Committee.

Dr. McSwane led a discussion of *which Standing Committee Chairs should be appointed as Ex-Officio, non-voting members of the Board*. At the August meeting it was recommended that this item go to the C&B Committee for consideration. Ms. Cornman, Chair of the Constitution & Bylaws Committee, suggested this decision should stay at the Board level and submitted as a Board Issue should we decide to make a change.



Ms. Girard moved and Mr. Eils seconded the motion to appoint a small group of Board members (solicited by email) to review standing committee chairs and their status as Ex-Officio, non-voting members of the Board. Motion carried unanimously.

Ms. Everly reminded the Board that should this result in a Board-submitted Issue, it would need to meet the January Issue submission deadline.

The Board had previously suggested that the *PowerPoint CFP Orientation Presentation* on the website used to orient people about the Conference be updated. A revised draft has been provided for review and comment. Dr. McSwane

requested suggestions for additions, deletions and changes. McSwane requested comments by email and he will work on it.

Adjournment

Ms. Garren, who led the Conference Call, adjourned the call and thanked everyone for their participation. All agenda items from the August Board meeting have now been completed.